

By Mr. CANFIELD: A bill (H. R. 16748) granting a pension to Clara Hoard; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 16749) for the relief of Miles Thomas Barrett; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 16750) granting a pension to Nettie L. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16751) granting an increase of pension to Blanche A. Sheldon; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16752) authorizing Susan Sanders Cook to submit claim against the United States to the Court of Claims; to the Committee on Indian Affairs.

By Mr. FULMER: A bill (H. R. 16753) granting a pension to Olivia Keitt Murph; to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 16754) for the relief of Mary B. Manley; to the Committee on Military Affairs.

Also, a bill (H. R. 16755) granting an increase of pension to Alice L. Smith; to the Committee on Invalid Pensions.

By Mr. HULL of Wisconsin: A bill (H. R. 16756) granting a pension to Alice C. Hensly; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 16757) granting an increase of pension to Carrie R. Mauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16758) granting a pension to Minnie B. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16759) granting an increase of pension to Rosa Ralph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16760) granting an increase of pension to Nancy A. Harrell; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 16761) for the relief of the Sherburne Mercantile Co.; to the Committee on Indian Affairs.

By Mr. McCORMACK of Massachusetts: A bill (H. R. 16762) for the relief of Mrs. A. H. Lawson; to the Committee on Claims.

Also, a bill (H. R. 16763) for the relief of Joseph Mastine Keefe; to the Committee on Naval Affairs.

By Mr. MAGRADY: A bill (H. R. 16764) granting an increase of pension to Angeline Klinger; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 16765) granting an increase of pension to Harriett Drowley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16766) granting a pension to Onie Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16767) granting a pension to Mary J. Mayhew; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 16768) for the relief of E. S. Delaplane, jr; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16769) granting an increase of pension to Rebecca C. Turney; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 16770) granting an increase of pension to Mary Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16771) granting a pension to Reatha Reneau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16772) granting a pension to Asa J. Lutes; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16773) granting an increase of pension to Caroline Hogan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16774) granting an increase of pension to Hulda Patch; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8996. By Mr. BLOOM: Petition of residents of New York State, urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8997. By Mr. BOYLAN: Resolution adopted by the Chelsea Post, No. 496, American Legion, New York, N. Y., favoring immediate action be taken amending the World War vet-

erans' act, giving pensions to widows and orphans, and service connected disabled veterans; to the Committee on World War Veterans' Legislation.

8998. By Mr. BRIGGS: Telegram from the adjutant of Argonne Post, No. 20, American Legion, Galveston, Tex., indorsing House bill 3493, the Patman bill; to the Committee on Ways and Means.

8999. By Mr. CHRISTGAU: Resolution adopted by the members of the Lundberg-Lee Post, No. 266, the American Legion, at Hartland, Minn., providing that the adjusted-compensation certificates be paid at their full face value; to the Committee on Ways and Means.

9000. By Mr. CLAGUE: Resolutions of Colburn Post, No. 286, American Legion, Sanborn, and Herbert Holtke Post, No. 285, American Legion, Lake Wilson, Minn., urging payment of adjusted-compensation certificates; to the Committee on Ways and Means.

9001. Also, resolution of Lorentz Post, No. 11, American Legion, Mankato, Minn., urging immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

9002. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, of Smyrna, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

9003. By Mr. CULLEN: Petition of the Advertising Men's Post, No. 209, of the American Legion, State and county of New York, requesting the Congress to take immediate steps to allow the veterans to borrow one-half of the face value on all adjusted-service certificates, without invalidating the insurance status of the said policies; to the Committee on Ways and Means.

9004. By Mr. LINDSAY: Petition of Dr. D. Immel, of Brooklyn, N. Y., favoring House Resolution 311 calling on the Postmaster General for certain information with reference to filling vacancies of clerks and carriers in the Postal Service; to the Committee on the Post Office and Post Roads.

9005. By Mr. MAGRADY: Petition of citizens of the seventeenth congressional district of Pennsylvania, urging the passage of House Joint Resolution 356; to the Committee on the Judiciary.

9006. By Mr. MOONEY: Petition of sundry citizens of Cleveland, Ohio, indorsing the Patman bill; to the Committee on Ways and Means.

9007. By Mr. SPARKS: Petition of the Victory Day Woman's Christian Temperance Union, meeting under the auspices of Woman's Christian Temperance Union of Gem, Kans., for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

9008. By Mr. TILSON: Petition of William Scott and other residents of Cheshire, Conn., urging passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

9009. By Mr. WELCH of California: Petition of citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884; to the Committee on the District of Columbia.

SENATE

SATURDAY, JANUARY 31, 1931

(Legislative day of Monday, January 26, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. HOWELL. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 3344) supplementing the national prohibition act for the District of Columbia.

Mr. KING. Mr. President, is the motion debatable?

The VICE PRESIDENT. It is debatable.

Mr. KING. Is a motion in order to supersede that motion?

The VICE PRESIDENT. Such a motion is not in order. The way to dispose of the motion of the Senator from Nebraska is to vote it up or down.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. HOWELL. I yield.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Kendrick	Shipstead
Barkley	Frazier	King	Shortridge
Bingham	Gillett	La Follette	Smith
Black	Glass	McGill	Smoot
Blaine	Glenn	McKellar	Steck
Blease	Goff	McMaster	Steiwer
Borah	Goldsborough	McNary	Stephens
Bratton	Gould	Morrison	Swanson
Brock	Hale	Morrow	Thomas, Idaho
Brookhart	Harris	Moses	Thomas, Okla.
Broussard	Harrison	Norbeck	Trammell
Capper	Hatfield	Norris	Tydings
Caraway	Hawes	Oddie	Vandenberg
Carey	Hayden	Partridge	Wagner
Connally	Hebert	Patterson	Walsh, Mass.
Couzens	Heflin	Pine	Walsh, Mont.
Dale	Howell	Ransdell	Waterman
Davis	Johnson	Robinson, Ark.	Watson
Dill	Jones	Schall	Wheeler
Fess	Kean	Sheppard	Williamson

Mr. WATSON. I wish to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily absent because of illness. I will let this announcement stand for the day.

Mr. FRAZIER. I desire to announce that my colleague the junior Senator from North Dakota [Mr. NYE] is necessarily absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Nebraska [Mr. HOWELL], which will be stated.

The CHIEF CLERK. The Senator from Nebraska moves that the Senate proceed to the consideration of Calendar No. 747, the bill (S. 3344) supplementing the national prohibition act for the District of Columbia.

The VICE PRESIDENT. The Senator from Nebraska has the floor.

Mr. HOWELL. I ask for the yeas and nays on my motion.

Mr. MOSES. Mr. President, will the Senator yield to me to enable me to present several reports?

Mr. HOWELL. I yield for that purpose.

REPORT ON THE ENFORCEMENT OF THE PROHIBITION LAWS

Mr. MOSES. From the Committee on Printing I report favorably, without amendment, the concurrent resolution (S. Con. Res. 37) and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

There being no objection, the concurrent resolution (S. Con. Res. 37) was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 28,000 additional copies of House Document No. 722, Seventy-first Congress, being a message from the President of the United States transmitting a report of the National Commission on Law Observance and Enforcement relative to the facts as to enforcement, the benefits and the abuses under the prohibition laws of the United States, of which 12,000 copies shall be for the use of the House, 4,000 copies for the use of the Senate, 7,000 copies for the document room of the House, and 5,000 copies for the document room of the Senate.

PRINTING OF HOUSE REPORT NO. 2290—INVESTIGATION OF COMMUNIST PROPAGANDA

Mr. MOSES, from the Committee on Printing, reported favorably without amendment the concurrent resolution (S. Con. Res. 38) submitted by him on the 30th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 33,000 additional copies of House Report No. 2290, Seventy-first Congress, being a report of the special committee to investigate communist activities in the United States, of which not to exceed 25,000 copies shall be printed for the use of, and as may be directed by, the special committee appointed by the House of Representatives, 5,000 copies for the document room of the House, and 3,000 copies for the document room of the Senate.

PRINTING OF THIRTY-THIRD ANNUAL REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 264)

Mr. MOSES. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 1209, the resolution (S. Res. 365) to provide for the printing of the Thirty-third Annual Report of the Daughters of the American Revolution.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. HOWELL. I yield if it is not going to take any time.

Mr. MOSES. It will take but a moment, I assure the Senator.

Mr. LA FOLLETTE. Mr. President, may I inquire of the Senator from New Hampshire the occasion for the printing of the report by the Congress and what the cost will be?

Mr. MOSES. The total cost will be about \$600. The charter of the organization requires it to report to Congress and the statute requires Congress to print the report.

The resolution was read and considered by unanimous consent.

Mr. MOSES. In line 3, after the word "ended," I move to strike out "March" and to insert "April."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Thirty-third Annual Report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1930, be printed, with illustrations, as a Senate document.

REPORT OF WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Washington Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of the company, with a list of its stockholders, for the year ended December 31, 1930, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

REPORT OF GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from the vice president of the Georgetown Gas Light Co., together with a list of its stockholders, for the year ended December 31, 1930, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Commerce:

THE ONE HUNDRED AND FIFTY-FIFTH LEGISLATURE OF THE STATE OF NEW JERSEY, SENATE OF NEW JERSEY

Senate concurrent resolution introduced and adopted by the senate January 19, 1931, and concurred in by the house of assembly January 19, 1931, urging the Congress of the United States of America to authorize the United States Shipping Board to sell to the Port of New York Authority the properties in the city of Hoboken, N. J., commonly known as the Hoboken Pier properties

Whereas shortly after the declaration of war against the Imperial German Government on April 6, 1917, the United States of America seized as enemy-owned properties certain docks, piers, warehouses, wharves, and terminal equipment and facilities, located in the city of Hoboken, State of New Jersey, and belonging to the North German Lloyd Dock Co. and the Hamburg-American Line Terminal & Navigation Co., and has expropriated title thereto; and

Whereas the said properties have since been operated by various agencies of the United States Government and are now being operated by the United States Shipping Board; and

Whereas by Public Resolution No. 146, Seventy-first Congress, authorizing the United States Shipping Board to sell the said properties to citizens of the United States, the Congress of the United States has adopted a policy that the properties shall no

longer be operated by the United States but shall not pass into the control of aliens; and

Whereas pursuant to the aforesaid joint resolution of Congress the United States Shipping Board has advertised for bids upon the said properties, and has received only one bid, which said bid was in the amount of \$4,282,000 and was from a private operator who is now unwilling to proceed with the acquisition of said properties; and

Whereas since the acquisition of the said properties as aforesaid by the United States of America neither the United States of America nor any agency thereof in charge of the operation of said properties has paid any taxes thereon either to the State of New Jersey or to the city of Hoboken, and the State and city have therefore suffered serious losses in revenues; and

Whereas the Port of New York Authority, a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of Congress, is willing to acquire the said properties for the sum of \$4,282,000 and is willing to pay 30 per cent of the said purchase price in cash, and to pay the balance by its bond and mortgage running for a period of 15 years and bearing interest at a rate not lower than the lowest current yield on any interest-bearing obligation of the United States issued subsequent to April 6, 1917 (except postal-savings bonds and short-term Treasury notes), outstanding at the time the sale is consummated; and

Whereas in connection with the acquisition of the said properties the Port of New York Authority is willing to enter into a contract with the city of Hoboken, in return for good and valuable considerations, which will assure to the said city an annual income substantially equivalent to that which it would receive from the said properties in the form of taxes were the said properties in private hands, and whereby the said properties will become the property of the city of Hoboken after the amortization, from the revenues derived from the operation thereof, of all costs and expenses incurred by the Port of New York Authority in connection therewith; and

Whereas in the opinion of the State of New Jersey the operation of the said properties by the Port of New York Authority as a marine terminal will be in the best interests of the city of Hoboken, the inhabitants of the Port of New York District, the people of the State of New Jersey, and the people of the United States of America: Now therefore be it

Resolved by the senate (the house of assembly concurring):

1. That the Congress of the United States be, and it hereby is, respectfully urged to adopt a joint resolution and/or enact appropriate legislation at the earliest practicable date authorizing and directing the United States Shipping Board to sell to the Port of New York Authority, in accordance with the foregoing plan, all those certain properties situated in the city of Hoboken, State of New Jersey, commonly known as the Hoboken Pier properties, consisting of docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights and other rights, estates and interest therein or appurtenant thereto, which were acquired by the proclamation of the President of the United States under the provisions of an act of Congress entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918, and acts amendatory thereof and supplemental thereto.

2. That in addition to the official notification of the passage of this resolution the secretary of the State of New Jersey furnish certified copies of this resolution to each of the following officials of the United States: The President, the Vice President, the clerk of the Senate, the Speaker of the House of Representatives, the two United States Senators from New Jersey, the several Representatives in Congress from this State, the chairman of the United States Shipping Board, the chairman of the Commerce Committee of the United States Senate, and the chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives.

JOSEPH WOLBER,
President of the Senate.

RUSSELL S. WISE,
Speaker of the House of Assembly.

I hereby certify that the above is a true and official copy of the resolution adopted by the senate on January 19, 1931, and concurred in by the house of assembly January 19, 1931.

O. F. VAN CAMP,
Secretary of the Senate.

Mr. JONES presented petitions numerous signed by sundry citizens of the State of Washington and of the city of Washington, D. C., praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the State of Washington, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Central Labor Council of Port Angeles, Wash., favoring the employment of Washington labor and the use of Washington stone

in the construction of all Federal buildings that may be built in that State, which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of the Hays Park Woman's Christian Temperance Union, of Spokane, Wash., praying for the passage of legislation for the Federal control of moving-picture films, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Seattle, Spokane, and Wenatchee, all in the State of Washington, praying for the passage of House bill 12549, the so-called Vestal copyright bill, which were referred to the Committee on Patents.

Mr. WALSH of Montana presented petitions of sundry citizens of Butte, Chester, Helena, and Missoula, all in the State of Montana, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. MORROW presented petitions numerous signed by sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TYDINGS presented petitions of sundry citizens of the State of Maryland, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the One hundred and tenth Machine Gun Association (Inc.), at Baltimore, Md., favoring the immediate redemption in cash of adjusted-service certificates of ex-service men, which was referred to the Committee on Finance.

He also presented petitions numerous signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions numerous signed by sundry citizens of Wichita, Topeka, Olathe, and Byers, all in the State of Kansas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. BROUSSARD presented petitions of sundry citizens of New Iberia, Jeanerette, Marcel, and Loreauville, all of Iberia Parish, La., praying for the passage of the so-called Patman bill, providing for the immediate payment in cash of adjusted-service certificates of ex-service men, and also for the passage of the so-called American Legion bill, providing for amendments to World War veterans' legislation in 34 ways, which were referred to the Committee on Finance.

Mr. BROOKHART presented petitions of sundry citizens of Boone and Pomeroy, in the State of Iowa, praying for the immediate payment of adjusted-service certificates of ex-service men, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Ladies' Auxiliary and Daughters of the Association of Retired Federal Employees of Indianapolis, Ind., favoring the passage of the so-called Brookhart bill, being Senate bill 5387, to amend the retirement act approved May 29, 1930, relating to widows' annuity, which was referred to the Committee on Civil Service.

REPORTS OF COMMITTEES

Mr. JOHNSON, from the Committee on Commerce, to which was referred the bill (S. 5962) to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929, reported it without amendment and submitted a report (No. 1415) thereon.

Mr. DAVIS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10166) to authorize the Secretary of the Navy to proceed with the construction of certain public works at Philadelphia, Pa., and for other purposes, reported it with amendments and submitted a report (No. 1416) thereon.

Mr. KEAN, from the Committee on Naval Affairs, to which was referred the bill (S. 5481) to authorize the presentation of a medal of honor, posthumously, to the late Henry Clay Drexler, reported it with amendments and submitted a report (No. 1419) thereon.

Mr. BROUSSARD, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13160) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston*, reported it without amendment and submitted a report (No. 1429) thereon.

Mr. FRAZIER, from the committee on Indian Affairs, to which was referred the bill (H. R. 13053) to authorize the Secretary of the Interior to accept donations to or in behalf of institutions conducted for the benefit of Indians, reported it without amendment and submitted a report (No. 1417) thereon.

Mr. THOMAS of Idaho, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5172) for the construction of a reservoir in the little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, reported it without amendment and submitted a report (No. 1418) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5832) to authorize the widening of Piney Branch Road NW., in the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 1420) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 5063. An act authorizing the Court of Claims of the United States to hear and report to Congress the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex. (Rept. No. 1421); and

S. 5613. An act for the relief of Commercial Loan & Trust Co., Monticello, Ark. (Rept. No. 1422).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 293. An act for the relief of Margaret Crotty (Rept. No. 1423);

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership (Rept. No. 1424);

S. 2106. An act for the relief of John Baba (Rept. No. 1425);

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co. (Rept. No. 1426);

S. 4851. An act for the relief of Maj. O. S. McCleary, United States Army, retired (Rept. No. 1427); and

S. 5765. An act for the relief of the Potomac Electric Power Co. (Rept. No. 1428).

Mr. CAREY, from the Committee on Military Affairs, to which was referred the bill (H. R. 5902) for the relief of S. W. Greer, reported it without amendment and submitted a report (No. 1430) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5248) to extend the boundaries of Wind Cave National Park, S. Dak., by adding thereto an area of 320 acres, reported it with amendments and submitted a report (No. 1431) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STECK:

A bill (S. 5967) granting a pension to Lewis R. Newbury (with accompanying papers); to the Committee on Pensions.

By Mr. WATERMAN:

A bill (S. 5968) granting a pension to Amanda Bartholomew Whitfield; to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 5969) granting a pension to Mary Amanda Jones (with accompanying papers); and

A bill (S. 5970) granting an increase of pension to Bertha H. McArthur; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 5971) granting a pension to Martha J. Mills (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5972) granting an increase of pension to Ina J. Densmore (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5973) for the relief of John J. Delaney (with accompanying papers); to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 5974) granting an increase of pension to Anna C. Havens (with accompanying papers); to the Committee on Pensions.

By Mr. MORRISON:

A bill (S. 5975) granting a pension to George P. Silvy; to the Committee on Pensions.

A bill (S. 5976) granting Harry P. Cooper the privilege of filing application for benefits under the emergency officers' retirement act; to the Committee on Finance.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3938) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes, and it was signed by the Vice President.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

ERNEST A. MICHEL

Mr. SCHALL. Mr. President, I ask unanimous consent to print in the RECORD a statement which I have just issued to the press in reply to Attorney General Mitchell's attack upon Ernest A. Michel, the unanimous choice of the entire Minnesota delegation to be United States district judge in the State of Minnesota.

There being no objection, the statement was ordered to be printed in the RECORD, and it is as follows:

STATEMENT OF SENATOR THOMAS D. SCHALL IN RE ATTACK IN THE PRESS OF ATTORNEY GENERAL MITCHELL UPON ERNEST A. MICHEL, THE CANDIDATE OF THE ENTIRE MINNESOTA DELEGATION FOR JUDGE OF THE UNITED STATES DISTRICT COURT OF MINNESOTA

Attorney General Mitchell, in his statement to the press, and in his letter addressed to me given by him to the press, constantly refers to the "right-thinking" people, and states that he is satisfied the great majority of "right-thinking" lawyers are against Ernest Michel. This would come with better grace from the Attorney General if he would be good enough to tell the people of Minnesota and the public in general what his previous corporate connections were before he became Solicitor General and Attorney General of the United States.

The people of Minnesota and the public in general are entitled to know, since the Attorney General has seen fit to break the long years of reticence in public discussions of such matters from the Attorney General's office, that when Mr. Mitchell was appointed Solicitor General, there were plenty of protests against him, as also when he was appointed Attorney General. In view of the fact that Mr. Mitchell has seen fit to rush into print contrary to the customary secrecy of the Attorney General's office, he might use his time with profit to justice in answering, in the press, the following questions:

What do you mean by "right-thinking" people? Are they the people who agree with you?

Among the list of lawyers and judges who have indorsed Ernest A. Michel is Andrew Miller, judge of the United States district court at Fargo, N. Dak., a lifelong Republican. He says: "It would be my judgment, both from observation, personal acquaintance, and what I have heard from other judges, and judges in whom I have confidence, that he [Michel] is well qualified for the position, and if appointed would make a very good judge."

Will Mr. Mitchell tell the President that Judge Miller is not a "right-thinking" man and has not the proper background?

Judge John A. Roeser, a lifelong Republican and an old friend of Mr. Mitchell, says: "From my observations of him [Michel] I

feel that he has a sound judicial mind; that he could approach judicial questions in a judicial manner, and that his appointment would reflect credit upon the State and be highly satisfactory to all concerned with that office."

Will Mr. Mitchell tell the President and the people that Judge Roeser is not "right-thinking"?

Morton Barrows, of St. Paul, a lifelong Republican and leader of the bar of Minnesota, who has represented interests opposed to Mr. Michel, says: "I was for many years the general attorney for the Burlington Railway in this State, and he was opposed to me in many important lawsuits against that road. Invariably he has been honorable. His legal ability has impressed me strongly. He has a trained, analytical mind and a strong judicial temperament. He has youth, health, indomitable energy, coupled with high ideals and ambitions, and a record for integrity that is impregnable."

Will Mr. Mitchell tell the President that his old friend Morton Barrows is not "right-thinking"?

Judge Daly, a lifelong Democrat and former judge of the twelfth judicial district, says: "I have known Mr. Michel for a number of years. He practiced before the writer while the writer was judge, and I have also met him frequently in cases; found him to be a man of honor, integrity, and ability. I think that Mr. Michel would make an excellent Federal judge and personally would very much like to see him get the appointment."

Is this the opinion of a "right-thinking" man?

Judge Flaherty, a lifelong Republican, says: "He [Michel] is a sound, able, and industrious lawyer of wide experience, and also a man of unquestioned integrity, so that his appointment would be one that would meet with very general approval."

Must Judge Flaherty join the list of the "wrong-thinking"?

George P. Gurley, of Pipestone, a lifelong Republican, who was formerly in the office of Mr. Mitchell, says: "I regard Ernest Michel as having one of the finest legal minds of any lawyer of my acquaintance."

What does Mr. Mitchell say to this?

Judge Howard, a lifelong Republican, judge of the thirteenth judicial district, says: "I have known Mr. Michel for a good many years and would be pleased to see him get this appointment. He is an able lawyer, and his appointment would please his many friends here."

Is he to be put in the list of men proscribed?

All of the lawyers who have written Senator SHIPSTEAD and myself have stated in no uncertain terms that Michel is a man of integrity and ability. I wonder if the Attorney General wants to inform Mr. Hoover that Ivan Bowen, of Minneapolis, who was Mr. Hoover's pre-convention campaign manager in 1928, and who has unhesitatingly indorsed Michel, is not "right-thinking"?

Is A. F. Whitney, president of the Brotherhood of Railroad Trainmen, who took the national hook up at the personal request of Mr. Hoover in 1928, not a "right-thinking" gentleman? Is Gov. Floyd B. Olson to be put in the class of "wrong-minded" people because he has wholeheartedly indorsed Mr. Michel? Will Mr. Mitchell tell the President that Burton W. Eaton, of Rochester, an old friend of Mr. Mitchell's father, a lifelong Democrat, and former president of the Minnesota Bar Association, is not "right-thinking"?

Is George Hoke, of the firm of Cobb, Hoke, Benson, Krause & Faegre, which represents a large number of corporate interests, not "right-thinking" because he unhesitatingly said that Michel would make an able judge? Is M. M. Joyce, general counsel for the receiver for the Minneapolis & St. Louis Railroad, to be classified as "wrong-minded" because he has urged the appointment of Mr. Michel?

Is Samuel B. Wilson, the chief justice of the Minnesota Supreme Court, to be put in the class of men proscribed because he does not join with Mr. Mitchell in his unsuccessful attempt to belittle Mr. Michel?

Are Judge Carroll A. Nye, of the seventh judicial district; Judge Baker, of the twelfth judicial district; Judge Enerson, of the ninth judicial district, all of them to be classed as "wrong-minded" because they have stated that Michel would make an excellent judge?

I could go on quoting from hundreds of these letters from lawyers and judges all over the State of Minnesota who know the situation far better than Mr. Mitchell, who for some years has resided in Washington and, according to present rumors expects soon to reside in New York City as the member of a large firm of powerful corporation lawyers and will not be particularly interested in Minnesota except as he contacts with his "right public-utility-minded" friends."

Will Mr. Mitchell tell the President now, after issuing his statement and conveying to the public the misinformation that the majority of lawyers, as well as the people, of Minnesota are opposed to Michel, that he will abide by the consensus of opinion of all of the lawyers of Minnesota, whether they belong to his club or clique or not, and submit the names of the 12 men he mentions along with Michel's name to these lawyers? Or does he still assume the position of an autocrat and says that, regardless of the position of these lawyers, many of whom are among his best friends, he will allow his corporate inclinations to mislead the President?

REPLY TO OPPOSITION TO DROUGHT-RELIEF APPROPRIATION

Mr. CARAWAY. Mr. President, I desire to give notice that immediately after the convening of the Senate on Mon-

day I shall address the Senate in reply to the reasons alleged for opposition to the appropriation of \$25,000,000 for the relief of those now in distress in the United States.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States making sundry nominations were referred to the appropriate committees.

NATIONAL DEFENSE—ADDRESS OF COL. CHARLES B. ROBBINS

Mr. STECK. Mr. President, on yesterday Hon. Charles Burton Robbins, of Iowa, made a very fine talk before the Women's Patriotic Conference on National Defense, now in session in the city of Washington. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Colonel Robbins spoke as follows:

To you splendid and patriotic citizens of the Republic I tender my appreciation of the noble and efficient way in which you are fulfilling the objects of your conference. There never was a time in the history of the Nation when so determined an effort has been made to strip our country of its last vestige of national defense and to compel it to stand disarmed before a world shaken by threats of war and rebellion. Almost every phase of our national defense is opposed by some organization framed for the purpose of a specific attack on some branch, and each of these organizations is being heavily financed from sources which are not disclosed.

However, if you ladies will read the report of the congressional Committee on the Investigation of Communist Propaganda, of which the Hon. HAMILTON FISH is chairman, you will find that there exists in the Nation at present a well-organized movement to overturn our Government and replace it with one founded on the communist form. Mr. William Z. Foster, the head of the Communist Party in America, testified, first, that he did not believe in God; second, that the Communist Party was opposed to all religion; and, third, that its purpose was the overthrow of the Government of the United States and the substitution of the present Russian system for ours. Through a series of interlocking directorates, to which I shall refer later, members of the active Communist Party are particularly identified with all organizations seeking by one means or another, and through various organizations with different names but a common purpose, to tear down our national defense so that there can be no armed resistance to a revolution which they plan. How astonished some of the good women who are active in such associations would be did they know that the leader of them all was an atheist, determined to destroy our Government! How embarrassed some of our clergy would be did they know that the move to abolish military training in our schools was financed, maintained, and encouraged by soviet atheists; yet such is the case. One of the most active of these organizations at the present time calls itself the Committee on Militarism in Education, with branch offices scattered throughout the United States, with the support of many pacifist newspapers, and with apparently abundant financing. This so-called committee is doing everything in its power by newspaper publicity opposed to the Reserve Officers' Training Corps by holding meetings at the various universities, at which men like Frederick J. Libby deliver inflammatory speeches against military training, and by the wholesale distribution of leaflets among the students to create such a sentiment against military training that the authorities will be compelled to discontinue it.

We have such an organization in Iowa—it has the support of an influential newspaper, and on February 6 Mr. Libby will appear at our State university to speak. This move, however, has not met with the warm reception among the students which the committee had hoped for. Previously they advertised a meeting opposed to compulsory military training, giving it wide publicity among the students. On the night of the meeting the speaker and three reporters appeared, but only six students came. They hope for better results from Mr. Libby's efforts.

An examination of the board of directors of the Committee on Militarism in Education discloses the following roll call, according to the latest statistics available. I have shown the organizations affiliated with this committee, with the membership of the various directors on such other organizations:

Walter R. Bowie, League for Industrial Democracy.
Howard Brubaker, Federal Council of Churches.
Jerome Davis: Federal Council of Churches, Mooney-Billings Committee, Peace Patriots, and Socialist Party.
Sherwood Eddy, Socialist Party.
Zona Gale: American Civil Liberties Union and World's Peace Party.
John W. Herring, Federal Council of Churches.
Stanley High, Federal Council of Churches.
Anna C. Hull, League for Independent Political Action.
Paul Jones, Socialist Party.
Frederick Libby, National Council for Prevention of War.
Robert M. Lovett: Mooney-Billings Committee, Socialist Party, League for Independent Political Action.
Halford E. Luccock: Methodist Federation for Social Service, Federal Council of Churches.

Frederick Lynch: Federal Council of Churches, Peace Patriots.
James H. Maurer: National Council for Prevention of War, Methodist Federation for Social Service, Federal Council of Churches.

A. J. Muste: American Civil Liberties Union, Fellowship of Reconciliation, League for Independent Political Action.

Reinhold Niebuhr: Federal Council of Churches, League for Independent Political Action.

B. G. Oxnham: American Civil Liberties Union, League for Industrial Democracy, Federal Council of Churches.

Kirby Page: Federal Council of Churches, People's Lobby, League for Independent Political Action, Socialist Party.

Edward L. Parsons, Mooney-Billings committee.

John N. Sayre: Emergency Peace Federation, Fellowship of Reconciliation, Civil Liberties Bureau, American Civil Liberties Union, Mooney-Billings Committee, Socialist Party.

Tucker P. Smith, Socialist Party.

Norman Thomas: Fellowship of Reconciliation, Civil Liberties Bureau, American Civil Liberties Union, National Council for Prevention of War, League for Independent Political Action.

Ernest Tittle, League for Industrial Democracy.

Oswald Garrison Villard: American League to Limit Armaments, Fellowship of Reconciliation, Civil Liberties Bureau, American Civil Liberties Union, Mooney-Billings Committee, People's Lobby, League for Independent Political Action.

Luther A. Weigle, Federal Council of Churches.

William A. White: National Council for Prevention of War, Peace Patriots.

Stephen S. Wise: American League to Limit Armaments, American Industrial Conference, Civil Liberties Bureau, Mooney-Billings Committee.

Mary E. Woolley, League of World Voters.

James W. Johnson: American Civil Liberties Union, League for Independent Political Action.

Francis J. McConnell: National Council for Prevention of War, Methodist Federation for Social Service, Federal Council of Churches.

William Z. Foster is actively identified with the American Civil Liberties Union, with which so many of the directors of the Committee on Militarism in Education are also identified.

The purpose of abolishing military training in our schools is to kill the Officers' Reserve Corps, which in another 10 years will be composed very largely, and in the course of time almost wholly, of young men who have graduated from these schools. By killing the Officers' Reserve Corps these organizations have eliminated one of the three great divisions of our national defense on land—the division which would officer millions of men called into service by draft in event of some future major emergency. It is true that in spite of all the activities of this committee and its allied committees, not a great deal of progress has been made in destroying the Reserve Officers' Training Corps, although they boast that such is the case.

There has been no substantial change in our national defense since I spoke to you last year. Due to the present state of financial depression there have been some cuts in Army appropriations, but not of a character to vitally impair any of our land defenses. The Regular Army still consists of approximately 118,000 enlisted men and 12,000 officers; the National Guard has a strength of 188,000; the Officers' Reserve Corps has an active strength of about 64,000; 38,000 young men were trained at the Citizens' Military Training Camps last year and about 125,000 young men received some form of military training in our Reserve Officers' Training Corps schools. The most pressing need, in my opinion, is an enlargement of the Regular Army so that in event of emergency we could at least mobilize one division of 30,000 men within continental United States. That could not be done at the present time due to the fact that the Regular Army is scattered in numerous garrisons throughout the United States and our far-flung insular possessions. Should a sudden emergency arise we must depend upon the National Guard for our first line of defense.

You will recall that at the time of your meeting last year an international disarmament conference was being held with the professed purpose of limiting the navies of the world. It appeared at that conference that while the Washington treaty, held eight years before, provided parity in navies between Great Britain and the United States, Great Britain had continued building its navy to the full strength permitted by the treaty, while the United States did nothing of the sort and fell far behind parity with the British fleet. The net result of the treaty of 1930 was to give the United States the right to build up to the British strength over a 5-year period. To do this a sum of money was required which seemed all that either the administration would approve or Congress appropriate, so the treaty was ratified and both the administration and Congress are now committed to a building program for the Navy, which, while it will not make our Navy equal in strength to Great Britain's at the end of the 5-year period, will do much to secure parity.

It is important for the peace of the world that the navies of Great Britain and the United States should be large, powerful, and equal, for with the agreement of these two great friendly nations to maintain peace, control of the sea would be assured. But whether or not our Navy is the equal in strength or larger than that of any other nation, we as a people should see to it that it is large enough, powerful enough, and efficient enough to prevent a hostile force from ever landing on our shores. It is our first line of defense. Should it fail to repel the invader, our seaboard would be captured, an incalculable amount of damage done to lives and property, and the Nation would be obliged to undergo

the horrors of a war waged on its own territory just as France and Belgium were obliged to suffer during the World War.

This organization could have no greater single mission than to insist that the definite 5-year building program of the Navy is enacted into law and every ship built within the next five years which is permissible under the terms of the treaty. The American Legion, both at its national convention and by affirmative action of its defense committee, of which I am chairman, is exerting all its influence for the Navy program of building to treaty strength, and I feel that the vast influence of the many powerful, patriotic societies here represented will do much to overcome the urgent and insistent efforts now being made to destroy that plan.

There never has been a time since the World War when the loyal and patriotic Americans should give such earnest thought and active support to national defense. Never since that great catastrophe has the situation in the world been more filled with warnings of trouble ahead, the present great world depression causing discontent and hardship everywhere, the political unrest so apparent not only in South America but in other parts of the world, and most of all the presence among the nations of a great country whose experiment in communistic government is in grave danger of falling through a revolution of its own people. Unless the Soviet Government can start a foreign war to take the mind of the Russian people off their own hardships and unite them against a common enemy, the fall of the present Russian Government is approaching.

Every patriotic American should see to it that should another world catastrophe of war occur, America at least will be prepared to defend its institutions and the lives and property of its people against attacks both from without and within the Nation.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Mr. HAYDEN. Mr. President, in order that his views may be brought to the attention of Congress, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement published in the Washington Herald to-day by Capt. H. H. Weimer, national commander Disabled American Veterans, relative to the payment of adjusted-service certificates.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Washington Herald, January 31, 1931]

DISABLED VETERANS' LEADER TELLS NEED OF BONUS—WEIMER BRANDS OPPONENTS AS FOES OF MEN WHO WORE UNIFORMS

(By Capt. H. H. Weimer, D. S. C., national commander Disabled American Veterans)

After a tour that has carried me from Delaware to California and from North Dakota to Texas I am of the solemn conviction that anyone who contends that the World War men are indifferent or opposed to the redemption at this time of adjusted-service certificates is either deliberately or ignorantly misrepresenting the national situation.

It has been my privilege in discussing this matter with veterans of all classes, disabled and able-bodied, rich and poor, and employed and unemployed, and I find a practically unanimous opinion in favor of cashing the bonus immediately.

BUSINESS BACKS PLAN

Furthermore, I have exchanged views with substantial nonveteran business men in scores of communities and I have established strong support of the plan among these.

The millions of men who offered their lives a little more than a decade ago to defend this country have no intention now of attempting to shatter the Nation's financial structure.

OPPONENTS ATTACKED

In the history of the Republic, Congress has seen fit to extend official recognition to only one group of disabled men of any war.

The time for tight-rope walking in this vast problem, when thousands of those who were lauded as heroes in 1918 are now literally in bread lines, is definitely past.

Those who presume to speak for veterans and who are not for the cashing of these certificates are against it, and may definitely be branded as opposing the sincere and intense desire of those who wore the uniform during the World War.

ORDER OF BUSINESS

Mr. BLACK. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. For what purpose, may I inquire?

Mr. BLACK. I understood the Senator asked for the yeas and nays on his motion. I desire to have two or three minutes to correct a statement in an article by Hon. Calvin Coolidge which appears in this morning's Washington Post.

Mr. HOWELL. I yield to the Senator from Alabama for that purpose.

EX-PRESIDENT COOLIDGE'S COMMENT ON MUSCLE SHOALS

Mr. BLACK. Mr. President, I desire to invite the attention of the Senate to a statement which appears in this

morning's Washington Post, and I particularly invite the attention of the Senator from Ohio [Mr. Fess], the Senator from Indiana [Mr. Watson], and the Senator from Oregon [Mr. McNary] to the following statement by Hon. Calvin Coolidge:

The management of Muscle Shoals demonstrates the utter hopelessness of having any considerable business enterprise conducted by the Congress. Development of this plant was commenced under war-time pressure to furnish power to make nitrates for explosives and fertilizer. More recent discoveries and processes render it, if not obsolete, at least unnecessary for that purpose. Other domestic sources of supply make it a superfluity.

As I understand that statement it is intended to convey the idea to the public that at the present time the domestic supply of nitrogen is more than we need. The dictionary meaning of the word "superfluity" is "more than is needed."

I would like to know now if there is any Republican Senator, either the Senator from Ohio [Mr. Fess], the Senator from Indiana [Mr. Watson], or any of the other Republican leaders, who disagree with my viewpoint that when ex-President Coolidge made the statement that "other domestic sources of supply make it a superfluity" it was intended to convey the idea that more nitrogen is produced in this country than we need.

Mr. President, I assume, as I was bound to assume, that all agree that the statement was intended to lead the public to believe that we have more domestic sources of supply of nitrogen in this country than the country needs.

I now invite the attention of the Senate to an article in the Chemical and Metallurgical Engineering Magazine for January, 1931, by Mr. Chaplin Taylor, of the Du Pont Ammonia Corporation. He calls attention to the fact that the total supply of nitrogen in this country last year was 485,000 tons and the total imports were 180,000 tons. Thirty-eight per cent of the nitrogen we used was imported from other countries. The domestic supply was not sufficient, and it is not now sufficient.

I invite attention also to the fact that in the same article it is said that every civilized country in the world but this one has entered into an agreement or cartel fixing and regulating the price which we have to pay for nitrogen. That statement appears in the magazine to which I have referred.

Mr. President, I assume that the papers throughout the country which have published the statement of Mr. Coolidge that "other domestic sources of supply of nitrogen make it a superfluity" will certainly correct that statement in their next issue. I feel sure that the statement was made on information which was incorrect. I trust that Mr. Coolidge, after having the facts called to his attention, will also correct the statement in the next article which he prepares. It would not be proper to leave the country under the impression that domestic manufacturers produce more nitrogen than we need, when the fact is that 38 per cent of our total consumption in 1930 was imported from foreign countries.

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of Mr. HOWELL's motion that the Senate proceed to consider Senate bill 3344.

Mr. HOWELL. Mr. President, I withdraw my request for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska [Mr. Howell].

Mr. TYDINGS. I call for the yeas and nays, Mr. President.

Mr. BLAINE. I assume that the call for the yeas and nays does not shut off debate?

The VICE PRESIDENT. It does not, and the Chair has not so held.

Mr. BLAINE. I was going to inquire whether or not the Senator from Nebraska may occupy the floor continuously on that request?

The VICE PRESIDENT. He can not. The Chair just submitted the question, and it is open to debate.

Mr. BLAINE. That is my understanding of the parliamentary situation.

Mr. HOWELL. I yield the floor.

Mr. BLAINE. Mr. President, I desire to call attention of the Senate this morning to another chapter of corruption that has been written in the history of the enforcement of prohibition. I am not at this time going into a discussion in detail of the corruption that has prevailed in the enforcement of the prohibition law; that information has been presented to the Senate, to the House of Representatives, and to the country; but I am going to call attention to this new chapter that has been added to the history of our country in the attempt to enforce the prohibition law.

I am not astonished that corruption in the enforcement of the prohibition law touches every department of government wherever a department of government is called upon to enforce that law. Corruption in the past, beginning with the enforcement bureau, has prevailed to such extent that it has become a stench in the nostrils of men and women who believe in clean government. That corruption entered the office of the Attorney General of the United States.

The Coast Guard has had a most reputable history in the annals of our country, but when the enforcement of prohibition was delivered into its hands the serpent of corruption wormed its slimy body into the Coast Guard, and destroyed the reputation which that service of the Government had enjoyed for over a century and a quarter.

Now, Mr. President, it appears that the same serpent of corruption has entered another department of our Government. I have no doubt that were the zealous prohibitionist to succeed in his purpose to have the prohibition law enforced by the Army and Navy those branches of the Government would also soon be reeking in the slimy mire of corruption. Prohibition corrupts every department of government which undertakes to participate in the enforcement of the law.

I note from the morning press that this serpent of corruption has gotten into the customs border patrol, and that corruption is as widespread there as it has been in the Prohibition Bureau in its efforts to enforce this law. Prohibition seems to be a cancerous growth, with its corrupting influences extending everywhere, into both public and private affairs. It has corrupted the minds of our citizens to the point where to-day there is little respect for any law.

I understand that an appropriation bill is coming before the Senate carrying a provision for 250 additional men for the border patrol. Two hundred and fifty additional men are to be subjected to this same influence, and, perchance, many of them are to be corrupted. I understand, Mr. President, the purpose of increasing the number of border patrolmen is to enforce more effectively the immigration law; I heartily approve of that purpose; but, unfortunately, these border patrolmen are called upon to enforce the prohibition law, and thereby an otherwise honorable service is to be corrupted.

I am going to read from the press reports of this morning so that the country may know, as far as my voice may reach, of this slimy trail of corruption as it affects another department of the Government. Mr. President, a law, the enforcement of which is undertaken by spies, is a bad law and an immoral law. Such a law is bound to bring about corruption in its enforcement. The honor of departments of Government which have served our Nation faithfully throughout these many decades was struck down the very moment they were called upon to enforce prohibition. I care not what department of government it is that has had to do with prohibition enforcement, or what department of government may be called upon in the future to enforce prohibition, the past history of enforcement is sufficient justification for the prophecy that prohibition will corrupt every department of government which comes in contact with its enforcement. I am going to read from the press reports. I have no doubt of the truth of those reports.

Mr. KING. Mr. President, before the Senator reads will he permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. The Senator has referred to the border patrol for immigration purposes as well as other purposes. I want to call his attention to the fact that yesterday we appropriated \$2,398,200 for coast and land border patrol under the Immigration Service.

Mr. BLAINE. Yes.

Mr. KING. And the same bureau received large appropriations for other purposes.

Mr. BLAINE. Yes. I understand the purpose of that amendment is to provide for 250 additional border patrolmen, and ostensibly the purpose is that they are to enforce the immigration law; I am in hearty accord with that purpose; but, Mr. President, it must readily appear to anyone that when those officers are compelled to enforce the prohibition law in any degree they fail in the enforcement of the immigration law. The fact is the lack of enforcement to-day of all laws is due to the zeal in the enforcement of the prohibition law. The determination to enforce that law to its letter consumes the public's attention, the public's funds, and the time and energy of public officials to the disregard of the enforcement of other laws. I hold in my hand a dispatch from Detroit:

Twelve convicted customs border patrolmen to-day told amazing stories of their experiences on the Detroit River.

The Detroit River is a border waterway. It affords transportation from the Dominion of Canada; and I am reliably informed that last year something like \$28,000,000 of liquor came from Quebec, or was sold by the Province of Quebec, \$20,000,000 of which was for Americans.

Mr. TYDINGS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I do.

Mr. TYDINGS. I call to the attention of the Senator from Wisconsin the fact that the United States Federal grand jury probed this matter about two years ago, and in its report said that a set price of \$1.82 a keg was the charge made by the border patrol for permitting liquor to enter from Canada, and that lump sums were often paid in excess of that figure for "open nights" on the river, when any amount of rum could be run over without fear of detection on the part of the police; and that out of a number of 187 enforcement men in one year the whole force had been discharged for corruption, and half that number employed again; so that there was a turnover of 150 per cent in the border patrol at Detroit in a single year.

Mr. BLAINE. I thank the Senator for the information. I recall the report of the grand jury, but not in such detail as the Senator has given here.

These border patrolmen are called upon to enforce the national prohibition law; and just the very moment that they were brought into the service of the enforcement of this law, corruption entered that service. These 12 convicted persons, customs border patrolmen, told these amazing stories of their experiences in the enforcement of the prohibition law. We have no such story, we have no such facts, we have no such convictions, in the enforcement of the immigration laws. That splendid service had been uncorrupted, as had been the Coast Guard, until prohibition was made one of the laws for their enforcement.

Why, Mr. President, this slimy history of corruption ought to convince the most zealous prohibitionist that the time has come when we ought to take an inventory of our Government, when we ought to recognize the corrupting influences that are bound to enter into the enforcement of a law which has no justification in morals or righteous conduct.

These men, the report says, as they entered the United States penitentiary in Leavenworth, Kans., to serve 20 months, told these stories of the enforcement of the prohibition law by the Immigration Department, the administration of which law was then under the direction of the distinguished junior Senator from Pennsylvania [Mr. DAVIS]. I refer to the immigration law, not the internal revenue laws or prohibition laws, however. He had nothing to do

with the enforcement of those laws; but the very moment that the border patrol was called upon to enforce prohibition, he found his force reeking with bribery and corruption.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. BLAINE. I do.

Mr. WALSH of Massachusetts. Is the Senator referring to the immigration force?

Mr. BLAINE. I am referring to the border patrol as it has to do with the enforcement of immigration. That is under the direction of the Department of Labor; but the enforcement of the prohibition law and the internal revenue laws that are a part of the prohibition law to-day is now under the border patrol for enforcement upon the border.

I see the junior Senator from Pennsylvania dissenting from that by the nodding of his head. If I am inaccurate in my statement I trust he will correct me, and I shall be glad to stand corrected.

Speaking of these men, the report goes on to say:

They told of bribes as high as \$1,500 a week, of the diversion of seized liquor for superior officers—

Mr. President, this debauchery, this bribery, not only smears and debauches the subordinate official but goes into higher places and corrupts and debauches the superior officers. None of these men, either the subordinates or the superior officers, were ever suspected of graft or bribery or corruption in their enforcement of the immigration laws; but the very moment this slimy thing called prohibition touched them in their official duties, they became corrupted.

I am not condemning these men especially. They are victims of an unrighteous and unholy law, and I regret that they are called upon to serve a term in prison. The temptation was too great for them. They succumbed to that temptation, and they must pay the price; but while they were engaged in the enforcement of the immigration laws those men and those officers were honorable citizens, with clean hands and clean consciences.

Further quoting from the report, it says that these men told—

Of the diversion of seized liquor for superior officers; of a lieutenant shot by his own men because he was honest.

Why, no more gruesome picture has ever prevailed in the most corrupt governments in all history than this picture of these patrolmen.

Mr. DAVIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. BLAINE. I yield.

Mr. DAVIS. Did I understand the Senator to say that the customs border patrol is under the Immigration Service of the Department of Labor?

Mr. BLAINE. I assumed that the customs border patrol had also the enforcement of the immigration laws.

Mr. DAVIS. No; it has not; and the customs border patrol is not a part of the border patrol that enforces the immigration law. I want to correct the Senator if he is of the opinion that it is.

Mr. BLAINE. I am glad to stand corrected, as I suggested to the junior Senator from Pennsylvania some time ago.

Mr. DAVIS. Since the border patrol has been organized there has been no charge of corruption of any kind made against the border patrol that enforces the immigration laws.

Mr. BLAINE. Then, Mr. President, I withdraw my comparison respecting the enforcement of the immigration law and substitute therefor the enforcement of the customs law; and what I have said applies in that respect. I know that the border patrol men enforce the immigration law—

Mr. DAVIS. That is true.

Mr. BLAINE. And I assumed that they enforce the prohibition law.

Mr. TYDINGS and Mr. BROOKHART addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield to the Senator from Maryland.

Mr. TYDINGS. If I may interject right there, what the Senator from Pennsylvania says proves the argument made by the Senator from Wisconsin; namely, that when these bureaus are detached from the enforcement of national prohibition there is no charge of corruption against them, but as soon as they are given jurisdiction over that field of endeavor they are shot through with fraud and graft.

Mr. LA FOLLETTE and other Senators addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. BLAINE. I yield to my colleague.

Mr. LA FOLLETTE. Mr. President, I understand that legislation is pending, however, providing for the unification of these border patrols.

Mr. DAVIS. The Senator is correct. It is now pending before the Commerce Committee of the Senate, and I think it has already passed the House.

Mr. BLAINE. Such a proposal has been made by the junior Senator from Arizona [Mr. HAYDEN], as I understand.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. BLAINE. Just a moment. Accepting the correction made by the junior Senator from Pennsylvania, I desire to state that all I have said applies to the customs border patrolmen when they were engaged in the enforcement of the customs law only.

There has been no suspicion of corruption against them during that time. It is quite immaterial to which of the various departments of the Government this matter is referred, whether it is to immigration, customs, prohibition, Department of Justice, or any other department, the moment prohibition has been brought under their jurisdiction for enforcement, then this slimy serpent of corruption has wormed itself into that department.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BROOKHART. I want to say to the Senator that during the summer of 1929, when I investigated the border patrol and the Customs Service both, from Oswego, N. Y., to Rouses Point, over 200 miles, I visited every station and investigated into it, and I found that there were no prohibition men at all along that entire border; that while the border patrol and the Immigration Service did not primarily have any duties in enforcing the prohibition law, yet they were honestly and faithfully doing it as an incident of their regular duties. I found the customs boys just as honest and just as faithful as the immigration patrol was. The two of them were cooperating there, without any prohibition agents to assist them. They needed a hundred or more prohibition men there to stop that whole thing. The force was inadequate from the standpoint of prohibition. There was not a shadow of corruption. The Senator's idea is imagination, and he is not going to produce evidence of a single case where there was corruption in that whole line.

Mr. BLAINE. Mr. President, I am not familiar with the facts as the Senator from Iowa has recited them. The Senator probably was unable to find any evidence of corruption in those circumstances. I have no doubt but that there are honorable men in these various departments who are honestly endeavoring to carry out their duties, but I am insisting now that wherever prohibition touches any department of government, then corruption enters, as is demonstrated again and again.

Mr. BROOKHART. Twelve men for the whole United States.

Mr. BLAINE. Twelve men.

Mr. BROOKHART. Among 120,000,000 people.

Mr. BLAINE. The facts have been recited before the Senate repeatedly of the scores upon scores of public officials who have been convicted of accepting bribes in the enforcement of prohibition.

Mr. BROOKHART. In this 200 miles—

Mr. BLAINE. I do not intend to get into a controversy with the Senator's testimony. I am taking the record as it stands.

Mr. President, I have no doubt but that in the enforcement of the various laws enacted by Congress there has been here and there a casual violation by public officials, that now and then over 125 years there has been dereliction on the part of public officials, perhaps the acceptance of a bribe; but when it comes to the enforcement of prohibition there are not only individual cases, but there are scores upon scores of cases of corruption which grow into tremendous proportions. Twelve men in this one dragnet alone are to-day serving in a penal institution as a result of national prohibition.

Mr. WALSH of Massachusetts. Mr. President—

Mr. BLAINE. I yield.

Mr. WALSH of Massachusetts. I will say to the Senator, confirmatory of his general allegation, that evidence has been presented to the Finance Committee that attempts have been made to corrupt those who were charged with the business of collecting revenues from bootleggers, alleged breweries, and other illegal violators of the prohibition law; the corruption has reached into the Internal Revenue Department of our Government.

Mr. BLAINE. Yes; into every department. There is not a single exception. And the violations have not been casual. There has been a multiplicity of them. It has not simply been a violation here and there but it is widespread, and there is no cessation. The corruption is still going on.

I quote further:

A lieutenant shot at by his own men, because he was honest, of a parade of rum boats which mockingly followed a boatload of high customs officials, who were making a tour of the river.

Mr. President, those facts ought to weigh heavily upon the conscience of our zealous prohibitionists.

One of their comrades stayed honest, the racketeering Federal officer said, and died a poor man. They raised money to bury him.

Howard Baker, 27—

I assume that means 27 years of age—

one of the convicted men, told of accepting \$20,000 in bribes during 23 months in the patrol. He had one arm permanently disabled when a rum runner's car crashed into him. Discharged, he said, for "lack of experience," after nearly two years on the job, he became associated with a down-river bootlegger as "pay-off" man to the patrol.

In a further recital of this ugly chapter of our country we find this report:

Charles V. Basile, another of the convicted officers, told of collecting \$6,000 during eight months on the river.

He said:

I was one of the strictest inspectors on the river for three months. Then I caught my commanding officer drinking some of the liquor I had seized.

Yes; as I have stated, this same corruption touches the highest officials in every service.

Honest officers who reported irregularities were transferred or disappeared from the force.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BROOKHART. The Senator is getting into a proposition now that has some merit to it. It is true that the head works of this prohibition enforcement, I think, has removed officers who were doing their duty, and the name of the man who is to blame for it is Andrew W. Mellon. I would be glad to have the Senator elaborate all he pleases upon that proposition.

Mr. BLAINE. Mr. President, I am not engaged in any personal denunciation of any member of any department. My condemnation applies to a vicious law, and if there are bootleggers and bribe takers and Andrew Mellons in this connection, as the Senator has suggested, then they are because of this prohibition law.

I have some compassion for these men in the service of the Coast Guard and the service of the border patrol and

the customs border patrol. They are compelled to engage in a business which is bound to bring about its corrupting influence. The men are not to be so much condemned; it is the law which is to be condemned. I am not apologizing for them, but, I repeat, they are victims of a system, men in the service of the Government who were honorable until they were compelled to join in the enforcement of prohibition. Of course they must pay the penalty, and rightly so. I quote further:

Lieut. Louis Monroe obtained names of nine inspectors who were accepting bribes from a big down-river runner. He turned them in and soon after that he was called to the patrol base. Monroe died penniless and we buried him.

So apply the so-called Howell bill to the District of Columbia, and you are opening the door for the corruption of the police force in the District of Columbia.

I quote further:

Linus von Batchelder was another honest Lieutenant. He was asked to resign. He was followed by Lieut. Louis Rudd. Rudd was unpopular with the men and was fired on twice by his own details.

That is what prohibition engenders. It is bound to bring about those very conditions which are described in the article from which I have read and carry them into other departments. Place the duty upon other departments for its enforcement, and you are merely extending this instrument of corruption.

I read further:

Roland W. Ball, 25—

I assume that means 25 years of age—

another of the prisoners, told of the parade of loaded rum boats following the customs launch carrying Washington officials on a tour of inspection.

Mr. President, the news item to which I have referred states the plain, ugly facts of another ugly chapter in the history of our Republic; and yet Congress is to be called upon to devote days and days to the discussion of a prohibition measure applicable to the District of Columbia, which, no doubt, will go the same way as all other prohibition laws, with its corrupting influence, with its bribe givers and bribe takers, with its creating here in the National Capital a disrespect for the Government of which this magnificent building is a symbol.

Mr. President, I trust that the Congress of the United States will not engage itself in the further promulgation of schemes and designs for the creation of more crimes, more corruption, and more bribery, either in low or high places.

Mr. TYDINGS obtained the floor.

Mr. KING. Mr. President, will the Senator from Maryland yield to enable me to suggest the absence of a quorum?

The PRESIDENT pro tempore. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. I yield.

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Kendrick	Shipstead
Barkley	Frazier	King	Shortridge
Bingham	Gillett	La Follette	Smith
Black	Glass	McGill	Smoot
Blaine	Glenn	McKellar	Steck
Blease	Goff	McMaster	Steiwer
Borah	Goldsborough	McNary	Stephens
Bratton	Gould	Morrison	Swanson
Brook	Hale	Morrow	Thomas, Idaho
Brookhart	Harris	Moses	Thomas, Okla.
Broussard	Harrison	Norbeck	Trammell
Capper	Hatfield	Norris	Tydings
Caraway	Hawes	Oddie	Vandenberg
Carey	Hayden	Partridge	Wagner
Connally	Hebert	Patterson	Walsh, Mass.
Couzens	Heflin	Pine	Walsh, Mont.
Dale	Howell	Ransdell	Waterman
Davis	Johnson	Robinson, Ark.	Watson
Dill	Jones	Schall	Wheeler
Fess	Kean	Sheppard	Williamson

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the motion submitted by the Senator from

Nebraska [Mr. HOWELL]. The Senator from Maryland has the floor.

Mr. TYDINGS. Mr. President, about 11 years ago, because of grave abuses of liquor, because of the corrupt influence of the saloon in politics, and because of a real desire of the American people to end those conditions if possible the eighteenth amendment was adopted. It was adopted by being passed through the Congress of the United States with the requisite number of votes and being ratified by a majority of the members of the legislatures in three-fourths of the States. All together only about 4,000 men in the National Congress and the State legislatures voted on the measure. The people at large never did vote upon it. For instance, in the State of Illinois, the year before it was submitted there for ratification, a referendum on the liquor question was had and it went against prohibition by about 2 to 1. But notwithstanding the expressed will of the people of Illinois the legislature meeting soon thereafter ratified the eighteenth amendment.

In addition to such phenomena as that, between 2,000,000 and 4,000,000 men were in the Army of the United States devoting their time and their energies to the successful conclusion of the great war, so that, more than any other constitutional amendment of recent years, this amendment had neither the consideration nor the express approval of those whom it was to affect.

Mr. BROOKHART. Mr. President—

The PRESIDENT OFFICER (Mr. Fess in the chair). Does the Senator from Maryland yield to the Senator from Iowa?

Mr. TYDINGS. I yield.

Mr. BROOKHART. One-half of the 11,000,000 or more men were not voters at all, not being old enough to vote.

Mr. TYDINGS. If the Senator continues to make such unfounded statements as the one which he has just uttered, I would rather he would make his contributions at some other time, because I would like to deal with facts and not with wild and baseless opinion.

Mr. BROOKHART. Another thing: Is it not true that nearly all those who were qualified to vote could vote as absentee voters, and so if they desired?

Mr. TYDINGS. Again the Senator shows his vast lack of knowledge of the election laws of the United States, because in 1920 most of the States in the Union, nearly three-fourths of them, had no absentee voting law; but facts do not even detain the Senator from Iowa, they are but trifling items in his mental processes.

When an idea becomes fixed in his mind, though it be nothing more than a mere opinion, it takes on the aspect of a concrete fact.

Mr. President, we have had 11 years of trial of the prohibition law. I object to being called a "wet" Senator. I say in all honesty that I am not to-day contending for liquor, for beer, or for wine; and if the prohibition amendment should be repealed, I would go before the people of my State and fight the rehabilitation of the saloon in Maryland with all the power I possess. I do not care at all about the argument that we ought to have liquor when we want it. What I am interested in is trying to preserve in this Nation some measure of local responsibility where the thing to be dealt with is a local and not a national matter.

I believe the motives of the Senator from Nebraska in introducing his bill are excellent ones. He thinks if he can secure the passage of more drastic, more stringent laws, liquor conditions in the District of Columbia will improve. I do not believe the enactment of such a law will have any effect at all worth mentioning; but when I proposed to the Senator the other day that I should be glad to submit his bill to the people of the District of Columbia and have them accept it or reject it, he was not inclined to accept my proposition, which leads me to the conclusion that he is not interested in giving the voteless people of Washington what they themselves want but what he wants them to have. He is not interested so much in the fact that they may not want this law, that they may go to the polling places and show their opposition to it. That is of no consequence at all.

What he is interested in doing is compelling the people of Washington to accept his particular philosophy of government so far as prohibition is concerned, whether or not the people of Washington are in accord with his views. It seems to me to be perfectly logical that this tendency, as expressed so well in this bill, illustrates the whole fallacy of national prohibition.

If I may have the ear of the Senator from Nebraska, I am going to read him a few passages from the Declaration of Independence, once a great document but to-day of no consequence in legislative bodies, because it is disregarded on almost every occasion. In 1776, as we all know, the laws to which the Colonies objected were passed in a perfectly regular way; they were constitutional; we were a part of England, and were subject to the laws of England. There was no question but that the laws were passed regularly; that they received the votes of Parliament, the approval of the King of England, and the approval of the governors he had set up over the Colonies; but our forefathers did not care if they had been passed regularly; they said, "There comes a time in the history of mankind when the right to be free is more important than the hollow acceptance of mere formality of government if that acceptance means we are to be crushed and ground down and deprived of the right of settling our own affairs." So learned men, men who were thoughtful, who had studied the governments of all the world from the earliest times down to that day, drew up a formal document stating their wrongs. Here are some of the reasons they set forth for establishing our independence in America and severing our connection with the Old World:

He—

Meaning the King of England—

has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

That is exactly what has been done under prohibition. Swarms of new officers have been sent all over this land who have harassed our people and who are eating up the taxpayers' money that could be used for better purposes. Again says the Declaration of Independence:

He—

The King of England—

has kept among us, in times of peace, standing armies without the consent of the legislatures. He has affected to render the military independent of and superior to the civil power.

While it is not a perfectly analogous case, we all know that 1,400 people have been shot down by prohibition agents during the 11 years of prohibition. I hope Senators who do me the honor to remain here will listen to this remark: The 1,400 people who have been killed by prohibition agents are twice the number of all those who were killed in battle and who died of wounds in the American Army during the Spanish-American War.

Mr. BROOKHART. Mr. President—

Mr. TYDINGS. Just a moment and then I will yield. Twice the number have been killed by prohibition agents in 11 years as died of wounds or were killed in battle in the American Army during the Spanish-American War, and, worse than that, only sixty-six times as many men were killed in battle and died of wounds in the American Army during the World War as have been shot down by prohibition agents in the 11 years we have had this "great blessing" of national prohibition. Now I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator has just read from the Declaration of Independence, which produced a revolution. I want to know if the Senator is going to follow up his remarks with a revolution against the Government of the United States.

Mr. TYDINGS. I would say to the Senator that if I wanted to start a revolution I would enlist under his standard, because he seems to be the most revolutionary Member of this august body. [Laughter.]

Mr. BROOKHART. I am glad to get the Senator on my side in some way.

Mr. TYDINGS. I am not on the Senator's side; I said if I wanted to bring about revolution I would enlist under his banner.

Again it is said in the Declaration of Independence:

For quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States.

I have recounted here over and over again, Mr. President, how Lawrence Wenger, a farmer in Harford County, Md., where I live, while driving home his cows was shot down by a prohibition agent, although there was never any question that he was connected with the manufacture of liquor. He was put in an automobile and driven up and down the roads for over an hour, and although two or three doctors' offices were passed, finally he died in the automobile before he was taken where he could receive medical attention. The people of my county were aroused, and the State's attorney and the grand jury had the prohibition agent who had done the shooting indicted. Then the United States district attorney came into our little county and had the case transferred to the United States district court, where, lo and behold, the law-enforcement department of this Government provided counsel for the accused prohibition officer free of charge and the State's attorney of my county had to be the prosecuting attorney. There is a great similarity, if not an exact parallel, between that case and the complaint set forth by the signers of the Declaration of Independence, to which I have just referred.

What would Thomas Jefferson or James Madison or Benjamin Franklin or George Washington, if they were in the Senate, say to-day about these occurrences if they meant what they said in the Declaration of Independence in 1776? Would they stand up, as the Senator from Iowa does, and say that American citizens ought to be shot down and the Government ought to defend those who shoot them?

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. TYDINGS. Yes; I yield.

Mr. BROOKHART. Does the Senator charge that the Government officer committed any crime in defending the accused man under the conditions stated?

Mr. TYDINGS. Of course not.

Mr. BROOKHART. Does he consider that he was not doing his duty?

Mr. TYDINGS. Of course it is not a crime for a prohibition agent to shoot a man; there was no crime at all in the killing of 1,400 people in the United States during the last 11 years. Although the Book of Moses and the Decalogue say "Thou shalt not kill," the Senator is advocating death for people who do no more in most cases than commit a misdemeanor, and that without arrest and without trial. Summary punishment is inflicted on the spot, human life is taken for no more, forsooth, than the carrying of a pint of alcoholic beverages.

Mr. BROOKHART. The Senator is not in favor of enforcing any law that involves the risk of taking somebody's life in doing it?

Mr. TYDINGS. Of course not. I am not in favor of giving any man the summary power of life and death over my actions without giving me my day in court, without giving me the right to face my accusers, the right to put witnesses in my defense on the stand, the right to be tried before 12 good men and true, and then to appeal the case to every higher court until I am finally found guilty. Is the Senator in favor of giving to any man the right to take life if he sees committed an act which is no more than a misdemeanor?

Mr. BROOKHART. In arresting a criminal I certainly am, when the life of the arresting officer is in danger.

Mr. TYDINGS. Then, if he saw the Senator from Nebraska riding down Pennsylvania Avenue at 50 miles an hour and a traffic officer yelled to him to stop and he would not stop, and the traffic officer yelled a second time to stop and the Senator from Nebraska would not stop the Senator from Iowa thinks the traffic officer would be justi-

fied in taking his gun and shooting the Senator from Nebraska dead.

Mr. BROOKHART. That is a flight of the imagination, of course, and the Senator from Maryland is capable of such flights in a high degree.

Mr. TYDINGS. Does not the Senator know that in 99 per cent of the arrests under the prohibition law the acts charged are misdemeanors and not felonies, and that driving an automobile at excessive speed and carrying a pint of liquor are both misdemeanors. The Senator is in favor of the penalty of death for one of those misdemeanors, but not for the other.

Mr. BROOKHART. I also know the Senator imagines there is a murder connected with each one of the prohibition arrests, whereas there have only been 1,410 killed among 120,000,000 people.

Mr. TYDINGS. When the Senator says that only 1,400 American lives have been wiped out it shows he is pretty callous about death. Only 1,400! What is a mere matter of 1,400 human lives? The Senator, by the same analogy, would say the war with Spain was not anything because only 700 men in that war died of wounds or were killed in battle; those men do not deserve any consideration. Then, in the World War we only lost sixty-six times that number. What are 100,000 men to the Senator?

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes.

Mr. KING. My recollection is that many of the persons killed by prohibition officers were committing no offense whatever. They were law-abiding and honorable American citizens and pursuing lawful avocations. There are instances where persons were in their own homes, or lawfully traveling upon public highways with their families or with friends, and were assaulted and killed by employees of the Prohibition Service. In these cases there was no reason whatsoever for their arrest, for they had violated no law, but prohibition agents shot them down.

One further observation, if I may—

Mr. TYDINGS. I am glad to yield to the Senator.

Mr. KING. Mr. President, in my opinion the Federal Government has gone too far in attempting to nullify criminal statutes of the States. The result of this policy in defying State laws and taking away from peace officers of the States persons charged with violating their laws has been to arouse resentment against Federal prohibition agents and the Volstead Act. It is the view of many that when Federal agents violate State laws they should be amenable to State laws. At any rate, they believe that the States should be permitted to investigate alleged infractions of State laws and determine what course should be pursued. There have been too many instances where the Federal Government has intervened to prevent the machinery of States from being employed to detect and prosecute. Apparently the Federal Government seems to feel that it is its duty in every prohibition case to interpose, to prevent enforcement of State laws, and to throw around prohibition agents—no matter how ruthless or criminal their conduct—the strong shield of the Federal Government.

Mr. BROOKHART. Mr. President—

Mr. TYDINGS. Let me say to the Senator from Iowa in connection with the point made by the Senator—

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. TYDINGS. Just a moment, and then the Senator can answer me.

Mr. BROOKHART. All right.

Mr. TYDINGS. One of the provisions in the Declaration of Independence was an insignificant thing like this:

For depriving us in many cases of the benefits of trial by jury.

Yet the Senator knows, if he knows anything about prohibition enforcement, that one of the things that the dries have advocated is grasshopper courts, like they had in Ohio, where justices of the peace on the spot, without a trial by jury, could find any number of persons guilty; and that has been advocated and is in some of our Federal prohibition laws. But what is a little thing like the Declaration of Inde-

pendence? George Washington thought it was worth something. Jefferson thought it was worth something. Madison and the rest of them thought that a trial by jury was of some value; but I realize that they sink into insignificance when compared with the moral grandeur which the Senator from Iowa exhibits in discussing this question.

Mr. BROOKHART. Mr. President, the first proposition shot at me by the Senator from Utah [Mr. KING] is that some of these deaths in the enforcement of prohibition—

Mr. KING. I do not shoot anything at the Senator from Iowa.

Mr. BROOKHART. Oh, yes; that was an awful shot.

Mr. KING. I do not take sufficient interest in what the Senator says on this subject to shoot any questions or submit any propositions for his consideration.

Mr. BROOKHART. The Senator said that some of these deaths were caused by negligence or carelessness, or maybe criminal intent. Maybe there are a dozen or two of that kind in the 1,400. There will be that many, probably, in the enforcement of any law of that kind. But so far as the matter of trial by jury is concerned, we have had the right to waive the jury in many of the States for a long time. If the defendant wants to waive it, he ought to have the right to do it. It shortens the procedure, and is more direct, and so on; but no dry that I know of has proposed that in any case there could not be an appeal and a trial by jury in a court of record if the defendant wanted it.

Mr. TYDINGS. The Senator is not familiar with the United States law if he thinks that is the case, because in several of our Federal statutes dealing with liquor a trial by jury is denied to the accused.

Mr. BROOKHART. Under only one proceeding, the injunction; and that is an equity proceeding.

Mr. TYDINGS. The Senator, when he says "only one," admits that there is at least one; and I do not want any.

Mr. BROOKHART. But under this very Declaration of Independence we have equity cases tried without juries in every State in the Union; and the Senator's State is one which is prominent in this equity procedure and all sorts of practices.

Mr. TYDINGS. May I interrupt the Senator long enough to say that this is not an equity case; it is a criminal case.

Mr. BROOKHART. The question of locking up the house? You are not going to put the house in jail; you are just going to make a jail out of it, and lock it up. It is a property question altogether.

Mr. TYDINGS. Furthermore, those who advocate the philosophy of national prohibition say, in effect, this: It makes no difference to them that the people of New York or Illinois or Massachusetts or New Jersey or Montana or Maryland or Connecticut or Rhode Island or Ohio or Wisconsin do not want the Federal Government to handle the solution of the liquor problem. Those people do not care for Federal supervision. They want the right to settle it themselves; but the philosophy of national prohibition is, "We do not care what you people think. You will take, not what you want, but what we give you; and you will like it."

Mr. BROOKHART. Mr. President, upon that proposition, after my State went bone dry, Illinois and Wisconsin and Minnesota did not care a thing about what we thought in Iowa. They shot their bootleggers over our way all the time; and our whole trouble came because the other States around us then cared nothing for what we thought. We care something for what they think.

Mr. TYDINGS. Did not the Webb-Kenyon Act protect you? Did it not make it a crime to ship liquor into dry States?

Mr. BROOKHART. The original case went up from my county on that proposition, and the court held that they could bring it in in original packages. That was the Rhodes case.

Mr. TYDINGS. If you could not get any satisfactory enforcement from the Federal Government in so far as it dealt only with liquor coming from wet communities into dry communities, how in the world could you get enough enforcement to handle the whole problem? If they could

not go up that one little avenue, how could they walk down the whole boulevard?

Mr. BROOKHART. I can explain that to the Senator if he desires.

Mr. TYDINGS. The Senator can tell me, but I do not think he can explain it to me.

Mr. BROOKHART. I do not believe the Senator can have anything explained to him when it comes to this wet question.

Mr. TYDINGS. I am sure the Senator from Iowa never said a more truthful thing than that in his life.

Mr. President, as I said before, we who are not in favor of national prohibition are not yelling for the whisky bottle or the wine bottle or the beer keg or the open saloon. That has nothing to do with this question. What we are contending for is that prohibition never should have been a national question. It should be settled by each State as the people of that State want it settled, as the people of each State know the limitations, the conditions, the nationalities making up their population; and if they can not handle it for themselves, people from other States can not, either. All we want in Maryland or New Jersey or Massachusetts or Illinois or these other States is the right to settle this question as the people in those States want it settled, which the eighteenth amendment takes away from us.

I believe that had Judge Clark's opinion been handed down 125 years ago it would have been upheld by the Supreme Court of the United States. Certainly, it would have been had John Marshall been upon the bench; but I believe the Supreme Court was bound, because the argument had not been presented before, and because over a century of precedents had gone to militate against the philosophy it contains.

This is not a government of 531 lords or counts. This is a government of 531 national representatives who have no right, no power, no prerogative except that which our constituents confer upon us. This is a government of the people and not a government of a few.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. TYDINGS. Yes; I yield.

Mr. BROOKHART. This being a government of 531 representatives, two-thirds of them at least are representing their States and their people, and in favor of this national prohibition amendment and in favor of its enforcement. How can the Senator stand up here and take the other little third and make a bunch of dictators out of them under his own argument?

Mr. TYDINGS. I am very glad the Senator raised that point, because it illustrates perfectly just what I have been contending.

In the State of Massachusetts last fall there was submitted to the people the question, "Shall the eighteenth amendment be repealed?" By a vote of about 3 to 1 they said "yes." Will the Senator contend that the entire Massachusetts delegation is wet—is in line with the philosophy which the people passed last fall?

Mr. BROOKHART. Mr. President, I contend that the same referendum of the people elected two-thirds of these representatives in the whole United States dry.

Mr. TYDINGS. The Senator is evading a direct answer to my question.

Mr. BROOKHART. And the vote in Massachusetts was nothing but a straw vote, anyhow. There was not any legalized referendum that had any binding effect upon the Congress of the United States in any way.

Mr. TYDINGS. Of course it was a legal referendum, because it was authorized by the legislature; and I may say that all the people who voted in the other elections took part in that election; and notwithstanding that they placed their stamp of disapproval upon national prohibition, with out any reflection on the delegates of that State in a personal way, may I say that perhaps in another body a good many of them are dry, notwithstanding the expressed will of the people.

Mr. BROOKHART. But about 40 States voted dry.

Mr. TYDINGS. Oh, now the Senator is taking other States. Let us stick to Massachusetts and finish that up, and then we will go to Illinois.

Mr. BROOKHART. Massachusetts is a great State, but it is not the dictator of the United States.

Mr. TYDINGS. Yes; but the Senator has weaseled away from his own proposition, because I have shown him by his own illustration that notwithstanding these representatives are supposed to represent the people, in the face of the expressed referendum showing the people's hostility to national prohibition they come here and do not side with those who are trying to have it repealed.

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. TYDINGS. Yes; I yield to the Senator.

Mr. WALSH of Massachusetts. The issue in the Massachusetts election was an even larger and wider one than the expression of an opinion by the people of the State on the question of national prohibition. The question was the repeal of the State enforcement law. Many people who were against national prohibition felt that they should vote for State enforcement so long as the national prohibition law was upon the statute books; so that had the issue been a straight out-and-out issue of repeal of the national prohibition law, the majority would have been even greater than it was.

Mr. TYDINGS. May I refer to the contest in which our new colleague from New Jersey came to the Senate, the junior Senator from New Jersey [Mr. MORROW]? He was an ambassador in another country. He decided that he would stand for the United States Senate. He took a clear-cut and definite stand upon the eighteenth amendment, was overwhelmingly nominated, and overwhelmingly elected. Who contends that all of the representatives from New Jersey are opposed to the eighteenth amendment?

Let us go to Illinois. We have had two referenda in Illinois since national prohibition; and each time the people, by an overwhelming majority, have said that they do not want national prohibition, or at least that they want it modified.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. GLENN. How many times did the Senator say?

Mr. TYDINGS. Twice.

Mr. GLENN. Three times.

Mr. TYDINGS. Three times; I stand corrected. Who contends for a moment that the representatives of Illinois in the Congress of the United States are voting in accordance with the expressed will of the people?

Wisconsin has had one or two referenda.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. TYDINGS. Yes.

Mr. BROOKHART. I should like to ask the Senator if individual districts in Illinois have not as much right to this glorious liberty that he talks about as the whole State of Illinois?

Mr. TYDINGS. Of course the Senator, by the law of divisibility, can divide and subdivide any body until he gets it down to a single atom; and then, if he divides that, he will finally get down to the point where nothing exists. I would rather talk facts than theories.

Mr. BROOKHART. Is not that the Senator's purpose to divide this down so that there will be no law?

Mr. TYDINGS. I do not think it is necessary in some cases.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. KING. Apparently the Senator from Iowa is contending now for the right of the State to determine for itself its own domestic policy. He has changed from his former position. He is on both sides of the question.

Mr. TYDINGS. That is true.

We had referenda in Wisconsin. I think on two occasions the people went to the polls. They voted against it; but it was not until the last election that the Representatives who were then elected took an open stand and said they would support a modifying or a repeal measure.

We had referenda in Montana. The State voted against prohibition; but who contends that the representatives of the people in the Congress of the United States are acting in accordance with the wishes of the people registered at the polls on this important question?

As I said, it comes right back to the proposition that we have gotten to the point where we believe in these United States that this is no longer a government of the people, but that the 531 kings and counts who compose the Senate and House shall tell the people what they shall have, whether they like it or not, supplemented by the lesser dukes and counts in our legislatures who take the place of the old English feudal system in to-day's politics.

That is the reason why we have corruption in the prohibition force—because the people in many quarters have shown their absolute antipathy to this law; and when over half the people of a single State are opposed to a local proposition of this kind, all the king's horses and all the king's men can not have law observance. You must have the sanction of public opinion back of a law before it will ever receive the respect that it should receive.

If this question is returned to the States it will eventually be solved in the right way, because the people of the States know the particular condition with which they have to deal, whether it is an industrial State, an agricultural State, a mining State, or what not; whether the people are of Italian ancestry, or Latin ancestry, or Nordic, or Anglo-Saxon, or what not; whether they have had a State tradition back of them which seeks to draw the line of demarcation between the functions of the State government on the one hand and the functions of the National Government on the other. They will attack this liquor problem, and gradually, step by step, they will walk toward true temperance, because they will move in the direction of idealism as fast as the legs of the civilization of that State will permit them to go. If attempt is made to make them run faster than they can go they simply break down, and the whole system collapses and perishes with the breakdown.

I am opposed to the philosophy of the Howell bill, because it, like other prohibition measures, instead of emptying our jails, as was promised—we were told that prohibition would turn them into public libraries and hospitals—would fill them full to overflowing. In place of 4,500 Federal prisoners in 1900, we have about 26,000 to-day, an increase of about five or six hundred per cent. The Attorney General is asking us at this session of Congress to build new Federal institutions to take care of the violators of the prohibition laws, while all the Federal prisoners have grown so numerous that they are bulging the sides of the State, county, and city jails in which they are placed because the Federal Government can no longer house them. Instead of prohibition emptying the jails, it has filled them, not only Federal jails but State, county, and city jails, causing the whole country to embark upon a large Federal, State, city, and municipal prison program.

In the wake of that crowded condition have come prison riots, men breaking to get loose because the facilities in the prisons were such that they felt a break for the outside was as good as years under the conditions under which they were forced to live on the inside.

I am opposed to prohibition because it has spread graft and corruption throughout every agency which has been set up to deal with it, whether that agency be Federal, whether it be State, whether it be county, or whether it be municipal.

The United States grand jury report in Philadelphia a short while ago showed that three police inspectors, whose salaries were not over \$3,000 a year, had between them on deposit in bank \$250,000 in cash, while 11 captains, whose salaries were \$2,500 a year, had sums ranging from \$10,000 to \$65,000 in cash in bank.

I am opposed to it because the United States grand jury report in Pittsburgh shows that the police are in a state of open rebellion against enforcing either the State or the national prohibition law, and that graft and corruption run rampant in that city.

I am opposed to it because the Chicago Crime Commission, set up to delve into what was wrong with Chicago's criminal situation, adduced the fact that of all the killings the large majority had their roots in prohibition enforcement, and that the racketeers and gangsters and other criminals, from the huge revenues which came in from prohibition violations, were able to finance crime on a large scale, and that the tentacles of the criminal machine reached into the judiciary itself, and that judges on the bench were not above receiving the commendation of those who were violating the law, and getting their support at election time.

I am opposed to it because in practically every town in this Nation, great or small, prohibition violations are winked at by those in authority, and in most cases violators are not readily apprehended by the police force.

I am opposed to it because the casualties which have resulted from its incorporation in our Constitution in 11 years are twice the number which came to our Army during the war with Spain, and even in the World War we had only 66 times as many killed as have been slaughtered by prohibition agents in these 11 years.

I challenge anybody to deny the accuracy of one of these statements. I defy their contradiction. I demand that they be refuted if anybody can refute them.

I am opposed to it because instead of decreasing drunkenness the record of every police chief in 385 cities of this country, wherein live over half of our urban population, and a quarter of all our population, shows that arrests for drunkenness are increasing, and not decreasing, since national prohibition was adopted.

I am opposed to it because right here in the District of Columbia, over which the Senate has partial jurisdiction, arrests of minors for drunkenness have increased over 400 per cent since prohibition was adopted. For eight years before prohibition was adopted an average of 55 persons under 21 years of age was annually arrested. In the last 10 years the average has been 275 a year, an increase of 400 per cent in Washington, under the eyes of the President, and under the eyes of the Congress, which made the laws, and under the very hands and guns and shields and badges of office of the Federal prohibition enforcement agents.

I am opposed to it because the records show that arrests for drunken driving of automobiles has increased each year since it was adopted compared with the years prior to its adoption.

I favored the eighteenth amendment, because the one thing it did was to outlaw the open saloon, but I regret to say that that advantage was immediately taken away, for in place of every open saloon we have two or three undisclosed speak-easies, so that that advantage is nil; it does not exist. Liquor can be bought in any town of 5,000 or more people anywhere in the United States, and every Member of this body knows it; and if any of them doubt it, I will be glad to go to any given town, without any previous advertisement, in the company of the challenging Senator, and show him that it can be done.

I am opposed to it because it is contrary to the expressed will of the people in three-fourths of the States where referenda on the question have been held.

I am opposed to it because it sets up this one law as superior to all other laws. It permits the invasion of the home, on occasion, without warrant obtained under due oath and without accurate information. If the Senator's bill is enacted it will permit just that thing in the District of Columbia. It will permit any police officer, on suspicion, to walk into the home of any person in this city and go from his cellar to his garret hunting for alcoholic beverages, whether they exist there or not.

It presupposes that all people are criminals instead of presupposing that people are law abiding, and by its very

reasoning shows an intemperance which utterly differs from that which it is said to seek.

I shall vote to take up the bill. I shall not vote for its passage. I hope it will come up. I hope we will have record votes on this thing. I hope that representative government on this question will receive the attention of Congress, so that we can weed out the men who are for a continuance of this policy from those who are opposed to such intolerant, unconstitutional, and intemperate means.

Mr. President, as I stated a while ago, Illinois held a referendum on this question about two months before the question was submitted to its legislature. The people of Illinois voted overwhelmingly against ratification, but the legislature met a few months thereafter and ratified the eighteenth amendment, in the face of the expressed will of the people of Illinois. My good friend the junior Senator from North Carolina [Mr. MORRISON], although he disagrees with me on this question, does not advocate that kind of popular government, I know. May I say to him, as I said while he was out of the Chamber, I believe it is wrong to say those who are opposed to the eighteenth amendment are "wets," because it places them in the position of contending for whisky and for wine and for beer. I am interested in solving this problem temperately and intelligently, just as is any other man, regardless of what side of the question he may be upon. But I have reached the conclusion—and all the evidence adduced seems to show it—that we are not reaching the high and lofty aims for which we sought by the further pursuit of the eighteenth amendment.

The time has come to turn this question back to the States. If North Carolina wants to be dry, God help her, let her be dry; but she should only want what her people want, and she should not attempt to force the people of my State, who are just as free and just as intelligent, to have what North Carolina wants them to have rather than what they themselves want.

This is no national question. Sometimes it seems to me that we have no Constitution; and I am going to take only a moment to refer to this. It will be recalled that when the Constitutional Convention got down to the point of conferring power on the Congress of the United States it went very carefully into the question of what power and how much power should be conferred upon this legislative body. It did not say that Congress can do anything it wants for the entire Nation. First of all, it demanded, Is it a national necessity? If it was a national necessity, it conferred power on Congress to deal with that important matter.

Strange to say, in our Constitution as it stands to-day, except for a few amendments at the end, Congress was given only 18 powers. That was the total number of powers conferred upon it. That was the limitation of our power to legislate. What were those 18 powers?

To provide an army for the whole country, because each State could not set up its own army.

To provide a navy for the whole country, because each State could not set up its own navy.

To have one standard of money for the whole country, because we did not want 48 means of exchange in commerce.

To regulate interstate—from one State to another—and foreign commerce, but not to regulate commerce in a State itself, particularly.

To establish post offices, so that the mail could go all over the country. And post roads, so that travel would be from one State to another without impediment.

To borrow money on the faith and credit of the United States, so that we could run the Government.

To set up United States courts, punish piracy on the high seas, and so on.

The point is that every one of the powers conferred on the Congress dealt with a question which was national in its scope and which was not local in its application.

When we adopted the eighteenth amendment we waived all that philosophy, because we took from the States powers

which they formerly had. We took those powers away from the States and said, "That is a local matter, but we are going to reach out and take control of it, and now we are going to run your local affairs as well as your national affairs."

I can see no difference between our situation to-day in reference to national prohibition and the situation of the thirteen Colonies under King George. King George gave to the Colonies not the kind of laws they wanted to have but the kind of laws he wanted them to have, and under that condition they rebelled.

What is government in the year 1931? Is it coercion? Is it force? Is it the right to coerce and harass people in matters detached from crime simply because our religious or our moral standards differ from theirs? Do we want to turn the Senate of the United States into a body to harass the negroes, to harass the Scandinavian, to harass the English, to harass the Irish, and others who make up our population? Do we want to deprive the people of Massachusetts or Wisconsin or Oregon of the liberty of doing something within their own borders which they can do for themselves much better than we can do it for them?

I venture as a wild remark to state that over one-half of the Members of the Senate have never been in over one-half of the States of the country, and yet our country is 3,000 miles wide. It is as far from Maine to California as it is from New York to London, and yet we sit here in this little Chamber, 80 by 113 feet, and tell the people in far-off Oregon how they can have prohibition in that State. The whole logic of it is ridiculous.

We have 5,000 prohibition agents in the country, and we have 120,000,000 people. We have one prohibition agent for approximately every 25,000 citizens. That one police officer is charged with arresting persons for a crime which is committed one hundred times more often than all the other crimes put together. Figure it out for yourselves, Senators.

I will do this with the prohibitionists, if they want to do it: I will vote to give them \$300,000,000, and we will raise an army of 200,000 prohibition agents so that each one of them can watch over 500 to 1,000 of our inhabitants. I would be willing to do that because I know that the minute we do it, the minute that we undertake really to enforce the law, we will find such a wave of opposition will rise against it that its term of life will be very short indeed. What man who favors national prohibition as it now exists dares to assert that the law can be enforced in these United States with an army of 5,000 men in a country 2,000 miles deep and 3,000 miles wide?

Why, Mr. President, the whole thing is preposterous. The prohibitionists have not the courage to come in here and take from the Federal Treasury enough money to give them the proper kind of prohibition enforcement. My distinguished former colleague, William Cabell Bruce, of Maryland, as the result of an inquiry into prohibition elicited the information from the Prohibition Administrator for the United States that to really police it as Congress desired it to be policed would require an appropriation of \$300,000,000 more. Although he was opposed to national prohibition, yet on this very floor he offered an amendment to increase the appropriation so that additional officers could be employed. I saw some of those who favor national prohibition have mental and almost physical spasms in their efforts to decide whether or not they would support or oppose my former colleague's amendment, but finally it did pass the Senate and went over to the House. The House voted not to accept the Senate amendment, and then, when it came back to the Senate, like rats leaving a sinking ship, the dregs jumped overboard and left prohibition enforcement exactly where it was.

If the prohibitionists do not think that prohibition is being enforced as it should be, let me say to those who profess to believe in it that they are stopping it from being enforced, because almost every man here opposed to national prohibition will give them all the money and all the guns and all the marines they want to put it into effect. But I challenge them to do it. I do not believe the Congress dares to do it. What the Congress is doing is timidly keeping one

hand on the drys and reaching out and timidly tickling the wets with the other hand.

Let us end the farce. There is no enforcement of the prohibition law in this country and there never will be so far as national prohibition is concerned. We must return the question to the States where public officials who are delinquent or corrupt can be rebuked at the polls by the people and not by the methods now pursued.

By 1928 our prohibition enforcement force had grown to 3,000 men. Out of the 3,000 men, may I say to the Senator from North Carolina [Mr. MORRISON], 872, or more than 25 per cent, have been discharged for discovered corruption.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Utah?

Mr. TYDINGS. I yield.

Mr. KING. It seems to me that our friends on the other side of the Chamber are present in such a small number that they should be brought into the Chamber to listen to the Senator's speech. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. No, Mr. President. I appreciate the suggestion of my good friend from Utah, but I am not talking to the Senate. I realize that the people have got to talk to the Senate before the Senate will listen on this question.

The VICE PRESIDENT. The Senator from Maryland declines to yield.

Mr. TYDINGS. Mr. President, at an expense of \$500,000 we had a long and searching inquiry into prohibition enforcement by the President's commission. Every member of that commission recommended the repeal of the eighteenth amendment and in its place the insertion of a new amendment which would give the Congress the power to deal with the subject in accordance with the then expressed will of the representatives of the people in Congress. Those who favor national prohibition are afraid to repeal the eighteenth amendment. They are afraid to confer upon the Congress the right to alter it as the representatives of the people then sitting want it altered.

"We do not propose to go along with this thing on the lines of popular government," the prohibitionists say, "but we propose to give the people what we want them to have and not what they themselves want." Let there be no more grand orations on the floor of the Senate in the name of the people and democracy. When Washington's Birthday draws nigh next month let us not go through the sham of telling how he crossed the river at Trenton, N. J., and how his soldiers bled at Valley Forge in the name of liberty and democracy, because we have come to the point in the Senate of the United States where we are afraid to confer upon Congress the power to deal with this question, because, forsooth, we may have to vote on it and after we vote on it we may find that we voted wrong and will be defeated for reelection.

I have no objection, indeed I would not be opposed in a very strong manner, to having, instead of the eighteenth amendment, a simple provision that Congress shall have the power to prohibit or control or regulate the traffic in intoxicating liquors for beverage purposes. We can try it for a while, and if it does not work then let the representatives of the people try something else. But the whole purpose now is to keep the people from getting at the question. The people are waking up. As one of my distinguished friends said to me the other day, "Things have come to an awful pass in this country when we reach the stage that a Senator can no longer be on both sides of this important question."

We have had an inquiry into prohibition which lasted for some 20 months. A majority of the members of the commission favor a change in the law. All of them favor the repeal of the eighteenth amendment and a mere power-conferring amendment in its place. The President comes out in the face of his own commission's report and says he believes in letting things stand as they are, and no sooner is that statement uttered than it is feared that he might

be construed as being too dry, and the friends of the President say, "While the President is dry now, later on he is going to moisten his feet a little bit by taking a more advanced position on the question." So it goes, with no opportunity for the people to vote on the matter because, forsooth, nobody wants to go out in the front-line trenches where the bullets are flying and take an open stand on this important question.

Mr. President, that is all I have to say at this time. I am utterly opposed to the bill of the Senator from Nebraska because I do not believe the people of Washington want it, and I think it is a shame to foist upon the voteless people of the District of Columbia a proposition which they do not want, and make them live under it in their own city just because we want them to have it. I can see no difference between the condition of the thirteen Colonies as related to King George and the situation as it now relates to the national prohibition question.

Mr. MORRISON obtained the floor.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from North Carolina yield for that purpose?

Mr. MORRISON. O Mr. President, I do not believe it will do much good to call Senators here. I believe I can speak better with a small audience than with a large one.

The VICE PRESIDENT. The Senator from North Carolina declines to yield.

Mr. LA FOLLETTE. Very well; I withdraw the suggestion.

Mr. MORRISON. Mr. President, as a loyal prohibitionist, I am grateful to the genial and astute Senator from Maryland [Mr. TYDINGS] for his generous offer to help us find the wise way to enforce the prohibition law. But I want to say to him that in my opinion the chickens of this country might as wisely ask the ravenous foxes where to roost as for us to ask a man who thinks like the distinguished Senator from Maryland does how to enforce the prohibition laws of the United States.

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. MORRISON. I yield for a question.

Mr. TYDINGS. May I ask the Senator if, before he takes his seat, will he be so good as to tell us how the prohibition laws should be enforced?

Mr. MORRISON. They should be enforced by a deeper reverence for the Constitution of our country than the Senator's argument manifests or than the argument that the brilliant Senator from Wisconsin [Mr. BLAINE] manifested.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Carolina yield further to the Senator from Maryland?

Mr. MORRISON. I will yield, though I am very anxious to proceed.

Mr. TYDINGS. Does the Senator mean to contend that I have not the right to advocate a change in the Constitution of my country if I do not believe in a certain provision of it?

Mr. MORRISON. The Senator has, provided he advocates doing it in a regular and an orderly way, as is prescribed by the makers of that sacred instrument, and not by methods which seek to demoralize and mob the organic law of the land, as he and those who think as he does have been doing for some time.

Mr. TYDINGS. Mr. President, will the Senator yield again?

The VICE PRESIDENT. Does the Senator from North Carolina yield further?

Mr. MORRISON. Yes, sir.

Mr. TYDINGS. Does the Senator think it is unpatriotic and against our Constitution to point out the fact that there are fraud and corruption and lack of enforcement in connection with this law, or does he think I should remain silent on that question?

Mr. MORRISON. Well, I am, to the best of my feeble capacity, and in a cause which I deeply believe to be righteous, going after the Senator's argument all along the

line as rapidly as I can reach them, and if the Senator will possess himself in patience—

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MORRISON. I think I shall answer his question, if not to his satisfaction, to the satisfaction of a great many of our countrymen.

Mr. TYDINGS. I am sure the Senator will answer it to my satisfaction, because all I want to do is to get his opinion; and I hope he will answer my question now and not put it off for half an hour.

Mr. MORRISON. I have in my notes a memorandum which reads, "Corruption in enforcement." I shall deal with it in the due order of the address which I have somewhat quickly formulated in my mind. I will, however, answer the Senator's question now if it will please him for me to do so.

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield further?

Mr. MORRISON. I yield.

Mr. TYDINGS. I desire to say to the Senator that the reason I made the request was not that I desire continually to interrupt him, but I have had no lunch, and I did not want to leave if the Senator was going to engage in a controversy with me; but if he is going on with his speech, I will leave.

Mr. MORRISON. Well, I am so anxious to have the Senator present that I will address myself to the point on which the Senator desired to hear me.

The Senator from Maryland and the Senator from Wisconsin [Mr. BLAINE] both base their arguments upon the premise that prohibition is corrupt. I deny it, and I stand here to refute that contention. What those Senators are talking about is the corruption incident to the infamous traffic which prohibition seeks to destroy, and through its destruction to save humanity from suffering and misery.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MORRISON. I will not yield further to the Senator. I am sorry, but I can not make an argument with continual interruptions. I am scared to death anyway in this august body. [Laughter.]

The VICE PRESIDENT. The Senator declines to yield.

Mr. MORRISON. It is very difficult for one of my age "to speak in public on the stage," anyway, I will say to the Senator. So I hope he will let me at least get under way before he troubles me with his questions.

The Senators say that prohibition is corrupt and therefore, in the thought of the Senator from Wisconsin, at least the Congress ought not to do anything further to enforce it. What is prohibition? Concretely speaking, it is the eighteenth amendment to the Constitution of our country, and the laws enacted by the Congress, the law-making powers of our country, to enforce that provision of the organic law of the land. Senators say prohibition has been corrupt. Mr. President, and Senators, corruption did not commence, as related to the liquor traffic, with the eighteenth amendment. The history of corruption, as related to the liquor traffic, goes back to the dawn of civilization. To hear the Senators talk, we should think that if their desire to repeal prohibition were realized then lawlessness would disappear and leprous corruption would be drained from the body politic.

Mr. President and Senators, there is not anybody in this country, not even the Senators from Wisconsin and Maryland, who wants to repeal the eighteenth amendment and the acts of Congress relating to prohibition and leave the country without any law regulating this damnable traffic. I want to say to them that I lived when we had regulation of the whisky traffic as we should have if we repealed prohibition in the shape in which we now have it, and regulation was then as corrupt as they picture prohibition now to be.

Oh, yes; I remember the old saloon; I remember the old distillery; I remember the old simple revenue law of the United States, which taxed whisky as a revenue measure, yet the history of that time would disclose—I remember about it well—that nearly all saloons and distilleries were

dens of lawlessness, corruption, and rascality. I recall that gaugers were employed in my section of the country—they used to call them "gougers"—and if the gauger was an honest man the owners usually shut the distillery down promptly, and ceased operations until they were given an officer who would allow them to make 4 gallons of whisky and pay tax on 1. There was corruption, brazen and audacious, in the mere collection of the revenue due the Government, because the traffic has been allied with the devil since the beginning of time. Under regulation in the States, under the old license system, and all that, the barrooms were headquarters of dirty politics and corruption in every community of the United States. So, Mr. President, Senators need not undertake from this august body to fill the land with the idea that corruption commenced with prohibition or that it will end, so far as the liquor traffic is concerned, with any sort of governmental regulation we could throw around it.

Dispensaries were tried in some of the States, but every one of them was corrupt and fell through corruption. The very type of argument the distinguished Senators have just made constituted largely the reason why the American people finally put it in the organic law of this land that traffic in whisky for beverage purposes should end.

The Senators from Wisconsin and Maryland say that we ought not to do another thing to enforce the prohibition law, first, because it is corrupt. Mr. President, during the period of the life of prohibition to which they referred the enforcement of prohibition has not been the only thing in connection with which there has been unparalleled corruption in this country. Corruption! I think we had a little trouble with oil along during this same period. We have had corruption in many sections and high places. They talk about the corruption of prohibition "touching the Department of Justice itself." It touched it very gently compared to the cruel hand laid upon it by oil corruption.

The great city of New York, the headquarters of the righteous whose souls are so disturbed over the corruption in connection with prohibition enforcement, has only to look within its own borders for corruption, for if there is anything around there that is not corrupt, their own press fails to disclose it.

For some weeks the country has been regaled with accounts of the most audacious and unbridled corruption that ever shook the conscience of this country in the trafficking of members of the judiciary of that great city in corrupt deals. There are millions of good people, Mr. President, in New York City, Chicago, Philadelphia, and the other great cities of the land, but it is enough to make an old-fashioned man laugh to see how their representatives are so often aroused and stirred over the corruption of prohibition when other things so sadly need attention from them, and which I know they abhor and despise.

There may be corruption in the enforcement of prohibition, but I deny the logic that there is any official duty in this land for which honest men can not be found; who will withstand temptation and do their duty. It is the money involved; it is the opportunity for corruption. The times have been corrupt in the recent past. I am sorry men have been killed, but the fault does not weigh upon the prohibition law, Mr. President and Senators, but upon those who persist in violating that law.

Of course the Senator from Maryland and those who think with him no doubt have the right to seek to repeal the prohibition law, provided they seek to do it in the way prescribed by the Constitution of their country.

Mr. President, one difficulty with enforcement has been that those who seek to break the law, sometimes very unjustly, think they have more of the sympathy of those who seek to repeal it than they really have. But, Mr. President, so far as corruption is concerned, the prohibition law should not fall because honest men can not be found to enforce it. An honest man is honest, and millions of our countrymen are honest in front of any temptation that can be sent against them. There has been improvement, we are informed recently; but, Mr. President and Senators, the

truth is that many of the men who assail prohibition and say that it can not be enforced on account of the corruption that grows around it do not want it enforced.

I do not mean they are lawless; not that; but they do not want the law enforced, because they want enforcement to fail in the hope that repeal will follow. They do not want any kind of prohibition—State prohibition or any other kind of prohibition—and by having elections over the country—referendums, they call them—they seek to vote upon whether they want the Constitution of the United States repealed, and in some cases enforced, with great elections in which they assail the eighteenth amendment and the whole purpose of the American people as expressed in that amendment and the laws enacted to enforce it.

One of their common arguments, which the Senator has uttered here, is that prohibition is a violation of State rights. Mr. President and Senators, I come from the section of the country whose great representatives in a far-back period of our history made a fight for the rights of the States which will live forever in the history of our country. I never heard any contention that this Government did not have a right to exercise powers freely granted to the Federal Government by the requisite number of the independent States of this Republic. The most precious right of all the rights reserved to the States was the right to grant to the Federal Government such additional powers as wisdom and experience might demonstrate the happiness of our country required. Under that reserved power of the States they granted the powers contained in the eighteenth amendment to the General Government after 50 years of discussion in one form or another; and to my mind there is not any force whatever in the assertion of these newborn champions of State rights that that constituted a violation of the rights of the States. Whatever right the States had to permit whisky to be sold as a beverage they granted to the Federal Government in due form and manner as required by the Constitution; and it ought to be respected, Mr. President and Senators, until in due course and in due form it is abrogated.

I was astounded as I understood the concluding assertion of the Senator from Wisconsin [Mr. BLAINE] that Congress ought not to do anything further about enforcing the prohibition laws. I think, Mr. President and Senators, that prohibition, concretely and legally speaking, is the eighteenth amendment to the Constitution of the United States; and in my judgment it never will be repealed. Its opponents will hold their demoralizing, disorderly, unauthorized referendums about it wherever they please; but before it is ever repealed, Mr. President and Senators, three-fourths of the States must act for its modification or repeal; and there is not any more likelihood of its being done than there is that secession will be brought back and vitalized in this Republic.

I do not believe that I wander much more away from the immediate matter before the Senate than other Senators habitually do when I say that the hope of the antiprohibitionists of this country is to capture both of the great political parties, to one or the other of which almost all Americans give their hearty and loyal support, and through them and their platform committees put a bridle upon the great, free, members of both parties. It will never be successful.

I am a party Democrat myself. I am also dry; and I believe millions of the Democrats of this country feel, as I do, that if the great city organizations, in array against the eighteenth amendment and the prohibition laws, should capture the Democratic Party and put a wet plank in the platform of the Democratic Party, we will not "bolt" the party, but we will never submit our consciences upon that matter to the decree of any political party. The millions who make up the Democratic Party are conscientiously divided. We will not quit the party, but we will defy any such efforts to control us.

Yes; the prohibitionists in the Democratic Party, Mr. President and Senators, are not without courage. As a new representative from my State, I want to give warning now that we will fight to the utmost of our rights, under the

rules and regulations of our party, against undertaking to bind the consciences of the Democrats of this country about this matter. The hope of the antiprohibitionists is to win in that way; and with their lawless referendums; but their effort can never succeed until three-fourths of the States of this Union are ready, in an orderly way, to undo that which they solemnly and orderly did.

Mr. TYDINGS. Mr. President, I had no intention of getting into a controversy with anyone; but I should like to make this observation:

For my part, I prefer to fight out legislative questions and constitutional questions touching thereon in the Senate, and to fight out party matters in the party conventions, where they properly should be discussed.

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate concludes its work to-day, it recess until 12 o'clock on Monday.

The PRESIDING OFFICER (Mr. HEBERT in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts obtained the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator from Massachusetts yield to me to make the point of no quorum?

Mr. WALSH of Massachusetts. No, Mr. President; I thank the Senator, but I would rather not.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

Mr. WALSH of Massachusetts. Mr. President, the question under consideration, I understand, is the motion of the Senator from Nebraska [Mr. HOWELL] to make the unfinished business the bill entitled "A bill supplementing the national prohibition act for the District of Columbia."

I am opposed to taking up this bill, because, in my judgment, it proposes to enlarge, extend, and broaden the provisions of the eighteenth amendment to the Constitution and also the national prohibition law; namely, the Volstead law. I think it contains some very, very serious infringements upon constitutional rights, which I shall try to point out during the few minutes I shall ask the attention of the Senate. However, before I undertake to do that, I want to call attention to some aspects of the general argument made for prohibition by the Senator from North Carolina [Mr. MORRISON].

I desire to take this occasion to express very briefly some general views I entertain on the question of prohibition. I have realized that the overwhelming sentiment in the Senate in the past has been in favor of national prohibition; and I have not sought to beat my head against the wall of the Senate by constantly agitating this question, realizing, as I say, that the overwhelming majority of the Senate was for national prohibition. I do think, however, that there has been a decided change in sentiment in the country, and I hope in the next Congress in favor of some modification of the present prohibition system; but what I want to say now about this whole question is briefly stated thus:

No government can claim to extend personal liberty and guarantee freedom to a people that forbids to its people anything that is not in and of itself bad. Any government that seeks to forbid the use of something that is not—as the Latin puts it, *malum in se*—intrinsically bad, can not claim to be extending freedom, as our founders understood that word, to its people. A government may properly prevent its people from participating in or using commodities—liquors or food, or whatever it may be—that are *mala in se*.

Now, are intoxicating liquors *mala in se*? May I ask the Senator from North Carolina if he thinks that intoxicating liquors are such as these?

Mr. MORRISON. Mr. President, I did not realize that I had subjected myself to a scientific examination; but, without any experience whatever about the matter—because I never enjoyed a single drink in my life—as I understand, intoxicating liquor is one of those deadly, dangerous elements, whatever we might call it, which human experience has demonstrated we can not be allowed to enjoy without restriction or restraint or prohibition of some character.

Mr. WALSH of Massachusetts. The Senator has made the best possible argument that could be made for what I am going to contend—that the whole problem is one of regulation, and not of prohibition or forbidding. His very answers emphasize that the problem is one of restricting and regulating.

Mr. MORRISON. May I ask the Senator a question?

Mr. WALSH of Massachusetts. I ask any other Senator on this floor—

Mr. MORRISON. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. WALSH of Massachusetts. Not just now. I ask any Senator on this floor to state that intoxicating liquors in and of themselves are mala in se—intrinsically bad. No one will so answer the question. It can not be so answered. Anyone who does so answer will indict and condemn the Founder of Christianity. You can not so answer without impeaching and questioning the character and the life of the Founder of Christianity. Yet you propose—and that is your doctrine, and that is where you start with a false premise—to forbid to the human family a thing which is not in itself and of itself intrinsically bad, which you admit is good in your very law, for you allow it to be used for sacramental purposes and for medical purposes. You are not content with applying the sound, sane principle which should be applied in every case where a thing not bad in itself may be abused, may wreck human nature, may produce crime, namely, regulation. The whole question should be a question of degree of regulation and not a question, in my judgment, of prohibition. Protest and revolt, crime and corruption is certain to follow prohibiting to a people what is good if prudently used.

Mr. MORRISON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. MORRISON. I ask the Senator if, after something like half a century of effort at regulation, it was not firmly demonstrated that the traffic in liquor could not be successfully regulated? Is not that a fact?

Mr. WALSH of Massachusetts. I suppose we should prohibit the use of the airplane, which is dangerous in itself, if we can not successfully regulate its use. Or, if we can not successfully regulate, we should prohibit the use of the automobile, which is dangerous in itself, being a powerful instrument, and which we regulate by requiring licenses and by prescribing the speed at which they can be driven and certain signals which must be given. An automobile driven through the streets without regulation, of course, may be harmful and injurious to human life. Of course there have been abuses of the regulation of 50 years of the sale and use of intoxicating liquors, and there always will be, as there are abuses of the laws regulating the sale of poison. We do not forbid the sale of even poisons. There is no prohibition against the sale of poison in this country. We regulate it. We prescribe how it may be gotten, when it may be gotten, and how it shall be gotten, and we punish those who abuse the regulations; yet there are abuses even of the regulations affecting poisons. The kind of regulation we had in former days may have been insufficient, but that does not justify absolute prohibition.

Mr. President, I have said enough to indicate my views on the general question. I did not intend to discuss it, but, in my judgment, the whole question is one of regulation, strict regulation, strong governmental regulation, as strong as desired. But so long as wine and beer can be innocently used, are valuable for medicinal purposes, and wine is legalized for sacramental purposes, the position can not be maintained that it is a sound function of government to absolutely forbid it for beverage purposes.

Mr. President, very briefly that states my views on this question, namely, that the problem is one of regulation, and we should be differing about the degree and the extent to which and the manner in which we should regulate this business, rather than saying it must be forbidden, that it is worse than poison, that it is worse than anything else,

that it is the one thing we must forbid to all those who constitute the free people of our country because some men and women abuse its use. Drunkenness is not the only excess in human nature. We do not even attempt to regulate many other abuses and excesses of the human appetite and passions that are harmful to the human family, individually and collectively.

Mr. President, I now want to turn to the pending bill and call attention to a provision in it which goes beyond any provision in existing law, and which, in my judgment, violates the eighteenth amendment. I call attention to the provision of this bill known as section 3.

That any person who shall, in the District of Columbia, in any street, public road, alley, or in any public place or building or in or upon any street car, or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

Mr. President, there is no provision in any Federal law or in the Constitution making it an offense to drink intoxicating liquors anywhere.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I will yield as soon as I give my authority for that statement.

Certainly there is no such provision in the national prohibition law. What does the national prohibition law forbid? I read from section 3:

No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor except as authorized in this act, and all the provisions of this act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Mr. President, I caused inquiry to be made of the attorneys for the Anti-Saloon League as to whether there had been any decision or any opinion or any law which had been construed by the courts as giving any authority to the legislative body under the Constitution to make it an offense to take a drink of intoxicating liquor in a public place. The attorneys of the Anti-Saloon League, who certainly ought to know, for they try to keep abreast of the decisions under this law, state that they know of no decision covering this point.

The nearest decisions I have been able to find on this question are contained in two opinions of judges in New York, of inferior courts, to be sure, because nobody has ever considered the question doubtful enough to think that it should be taken to the Supreme Court and a ruling secured upon whether the national prohibition law provides that it shall be an offense to take a drink of intoxicating liquor. In New York in two decisions—one in the case of *People against Barbera et al.*, and another in the case of *People against Wade*—the magistrate's court made the findings which I shall read. It had been urged upon the justice of the court that a decision had previously been made indicating the possibility of its being an offense to take a drink of intoxicating liquor.

Mr. HOWELL. Was that under New York law?

Mr. WALSH of Massachusetts. No.

Mr. HOWELL. Under the national prohibition act?

Mr. WALSH of Massachusetts. Yes. The court said, referring to that argument:

Hence I feel it my duty to point out that the learned magistrate, in the opinion cited by the police, failed to take into consideration the fact that there is no prohibition of drinking liquor in the Volstead Act nor anywhere else. Consequently one who does consume liquor is neither "flouting" nor "insulting" (whatever that may mean) the Constitution. Any person who is in the legal possession of liquor may offer a drink to his guests with impunity, and what he may offer they may consume.

That is from the decision in the case of *People against Barbera et al.* I quote from the justice's opinion in the case of *People against Wade*, as follows:

The learned magistrate's vigorous dissent—

Referring to the dissent in another case—

necessitates a further reference, not to what was, but to what was not, decided by me. It was not held that the eighteenth amendment of the United States Constitution or the national prohibition act prohibits the drinking of intoxicants. The dissenting magistrate correctly states that:

"Any person who is in the legal possession of liquor may offer a drink to his guests with impunity, and what he may offer they may consume."

Mr. HOWELL. Mr. President—

Mr. WALSH of Massachusetts. Mr. President, there is no decision of any court, there is no national prohibition law, which makes it an offense for one in legal possession of liquor to take a drink of intoxicating liquor. Section 3 of the pending bill proposes for the first time to enlarge the national prohibition law and to make it an offense to take a drink in a public place of intoxicating liquor, though it is in one's legal possession.

I yield to the Senator from Nebraska.

Mr. HOWELL. The Senator is fearful of the enactment of this section?

Mr. WALSH of Massachusetts. I will give some other reasons why I am fearful about it.

Mr. HOWELL. That has been the law in the District of Columbia since 1917. It is the law to-day. The bill which is now before the Senate repeals the Sheppard law, and the Attorney General saw fit to insert in the pending bill this and one other section in almost identical language with the language of the Sheppard law. It would be satisfactory to me to repeal this whole section and simply provide in the repealing clause, to be found in section 16 of the pending bill, that the Sheppard act is repealed excepting section 11 and section 20.

Mr. WALSH of Massachusetts. When was the Sheppard Act passed?

Mr. HOWELL. In 1917.

Mr. WALSH of Massachusetts. Before national prohibition?

Mr. HOWELL. Yes. National prohibition was pending, and the Sheppard Act was passed. The trouble is that many confuse the national prohibition act and its purpose. The purpose of the national prohibition act is to supplement local police regulations. This is a local police regulation in the District of Columbia, which has been in effect for 13 years. It is in effect in nearly every State in the Union as a local police regulation. Therefore we are enacting nothing new, and the objection of the able Senator from Massachusetts is merely an objection to the law as it now stands on the statute book, and as it has been for 13 years.

Mr. WALSH of Massachusetts. The able Senator from Nebraska had a colloquy with me the last time this bill was under discussion, and he admitted on the floor of the Senate that there was a serious question as to whether the Sheppard law had not been repealed by the adoption of the national prohibition law. I will turn to the RECORD and show the Senator's answer to my question if he desires. He further said that this bill is now being proposed because he fears the Sheppard law might be found to have been repealed by the national prohibition law. Is that a fact?

Mr. HOWELL. Mr. President, there are certain sections of the Sheppard Act which it is generally agreed are repealed, but there are certain other sections of the Sheppard Act which the national prohibition act did not contravene, and this is one of them. This is still in effect, and it has been so held.

Mr. WALSH of Massachusetts. In other words, a private citizen who wants to know whether the Sheppard Act is repealed or not can read it all through and be obliged to consider then what parts are repealed and what are not repealed?

Mr. HOWELL. That is true.

Mr. WALSH of Massachusetts. And that there are some decisions repealing portions of it and other decisions made

by the courts sustaining other provisions of the act. Is that the position of the Senator from Nebraska?

Mr. HOWELL. There are some sections of the national prohibition act which clearly contravene the Sheppard Act, and it is the consensus of opinion that it repeals them even if there is not a legal decision to that effect. But there are certain other sections of the Sheppard Act which it is very clear and apparent that the national prohibition act does not contravene, and, of course, they are in effect, inasmuch as the Sheppard Act has never been repealed by an act of Congress. We propose to repeal the Sheppard Act and clear the statute books of it and make the situation clear. This is one of the sections which was not repealed and which the Attorney General saw fit to introduce into this bill.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH of Massachusetts. I yield.

Mr. BORAH. May I ask the Senator from Massachusetts if it is his contention that under the police power of the State the legislature would not have the power to enact that kind of law?

Mr. WALSH of Massachusetts. It is my judgment that under the eighteenth amendment it would not have the power.

Mr. BORAH. But under the police power of the State? Suppose the eighteenth amendment had never been passed and the State was legislating relative to drinking intoxicating liquor in public places. As a matter of police power, exercising its police power, would it not have the right to enact that kind of a statute?

Mr. WALSH of Massachusetts. I suppose they would have the right to enact a statute making it a nuisance. The police power has been stretched to include almost everything.

Mr. BORAH. Would they not have the right to enact a statute prohibiting the drinking of intoxicating liquors in public places?

Mr. WALSH of Massachusetts. In my judgment, they would not, in view of there being no authority in the constitutional amendment relating to intoxicating liquors.

Furthermore, Mr. President, the provision does not separate the taking of a drink in public places from the use of liquor for medicinal purposes. Neither does it make any exception of the use of intoxicating liquor for sacramental purposes. If the bill is enacted into law, in any church, which is a public building, where there is sacramental wine used, the users are, in my judgment, subject to the penalty of 30 days in prison, as they would be wherever sacramental wines are used. A church is a building, a public building. A hotel is a building, a public building. If a person in a hotel takes liquor for medicinal purposes, there being no exception made in that section, there would be an attempt made, which, of course, would not be constitutional, to make it a particular act of crime. It may be argued that there is police power to do this, but I remind Senators that even the Anti-Saloon League in its era of greatest triumph and control of Congress did not ask for such power.

Mr. BORAH. It may be that the provision should be made more specific, but I have no doubt about the power of the Congress in exercising police power over the District of Columbia to enact that kind of a law—not under the eighteenth amendment.

Mr. WALSH of Massachusetts. The Senator will agree with me that the eighteenth amendment and the Volstead Act do not contemplate this as a crime?

Mr. BORAH. I do.

Mr. WALSH of Massachusetts. In fact, the eighteenth amendment relates specifically to what? It specifically forbids the manufacture, sale, and the transportation of intoxicating liquor. That is what the eighteenth amendment relates to—the manufacture, the sale, the transportation—and that is all it does provide against. The Volstead Act makes possession, delivery, sale, transporting, and so forth, an offense, but in no part of the present national prohibition law has an attempt been made to make it a crime to

take a drink of intoxicating liquor in public or private places.

The national prohibition act covers 20 pages. Everything one could conceive of that might be done with intoxicating liquor under the provisions of the eighteenth amendment has been anticipated, has been pointed out, and has been forbidden; and yet it is proposed in addition to the sweeping provisions of the Volstead law to enact this specific law relating to the District of Columbia. I wish I had the time to read the various provisions of the Volstead law—the "don'ts" and restrictions are in every line—and yet it is now contemplated that we shall supplement that law, not by providing for further regulation of specific things forbidden under the national prohibition law but by an actual extension and expansion of the powers under that law.

Again I call attention to section 3 of the pending bill and the sweeping character of the language in that section. If it does not include everything, if it does not seek to make a crime of taking a drink of intoxicating liquor even for medicine, then I can not understand the plain purport of the English language, for in no part of the bill is any exception made, and yet in the national prohibition law, when it speaks of the manufacture, sale, and distribution of liquor, it specifically again and again exempts intoxicating liquors which are manufactured and used for medicinal or sacramental purposes. Note this language of section 3 of the pending bill:

SEC. 3. That any person who shall, in the District of Columbia, in any street, public road, alley, or in any public place or building or in or upon any street car or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, * * * he shall be guilty of a misdemeanor.

I have referred only to one section. The Senator from Wisconsin [Mr. BLAINE] has pointed out some irregularities or what appear to be an extension of powers in other sections of the bill. Other Senators have in mind proposing amendments to other sections of the bill. We will be here for days and weeks debating this question, when we already have a national prohibition law that is ample, that is sweeping, that contemplates checking violations in the manufacture and sale of intoxicating liquors very fully.

We have other business to transact. I think in the remaining four weeks of the session there are many important questions to which we ought to give our time and attention, and that those who urge the taking up of this bill, actuated undoubtedly by the highest of motives and good intentions, are really magnifying the importance of further legislation on this subject in the District of Columbia at this time and are preventing the Congress of the United States from giving immediate, prompt, sincere, and thorough consideration to questions of great moment and great magnitude. For these reasons I shall vote against the motion of the Senator from Nebraska.

Mr. HEFLIN and others addressed the Chair.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Glass	McKellar	Sheppard
Blease	Hale	Morrison	Shortridge
Borah	Hatfield	Morrow	Thomas, Idaho
Brookhart	Hawes	Moses	Trammell
Broussard	Hayden	Norris	Walsh, Mass.
Carey	Hebert	Oddie	Walsh, Mont.
Connally	Hefflin	Partridge	Williamson
Fess	Howell	Ransdell	
Fletcher	Kendrick	Robinson, Ark.	
Gillett	La Follette	Schall	

Mr. HALE. I wish to announce that the senior Senator from Washington [Mr. JONES] is detained in the Committee on Appropriations.

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, a quorum is not present.

RECESS

Mr. FESS. Mr. President, I move that the Senate, in accordance with the unanimous-consent agreement hereto-

fore entered into, stand in recess until 12 o'clock noon Monday.

The motion was agreed to; and in accordance with the order previously entered, the Senate (at 3 o'clock and 15 minutes p. m.) took a recess until Monday, February 2, 1931, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 31 (legislative day of January 26), 1931

GOVERNOR OF THE VIRGIN ISLANDS

Paul M. Pearson, of Pennsylvania, to be Governor of the Virgin Islands, vice Capt. Waldo Evans, United States Navy, retired.

ASSOCIATE JUSTICE OF THE SUPREME COURT, TERRITORY OF HAWAII

Charles F. Parsons, of Hawaii, to be an associate justice of the Supreme Court, Territory of Hawaii. (He is now serving in this position under an appointment which expired January 25, 1931.)

SECOND JUDGE, FIRST CIRCUIT, TERRITORY OF HAWAII

Albert M. Cristy, of Hawaii, to be second judge, first circuit, Territory of Hawaii. (He is now serving in this position under an appointment which expired January 25, 1931.)

JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA

Nathan Cayton, of the District of Columbia, to be a judge of the municipal court, District of Columbia. (He is now serving in this position under an appointment which expires February 7, 1931.)

UNITED STATES ATTORNEYS

George E. Q. Johnson, of Illinois, to be United States attorney, northern district of Illinois. (He is now serving in this position under an appointment which expires February 7, 1931.)

Stanley M. Ryan, of Wisconsin, to be United States attorney, western district of Wisconsin. (He is now serving in this position under an appointment which expired January 4, 1931.)

UNITED STATES MARSHALS

Alf O. Meloy, of Indiana, to be United States marshal, southern district of Indiana. (He is now serving in this position under an appointment which expired December 30, 1930.)

William C. Cromie, of New York, to be United States marshal, northern district of New York, to succeed Clarence W. Weaver, appointed by the court.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Richard Coke Marshall, jr., reserve, from February 4, 1931.

POSTMASTERS

CALIFORNIA

Bernice C. Downing to be postmaster at Santa Clara, Calif., in place of B. C. Downing. Incumbent's commission expired December 21, 1930.

CONNECTICUT

Weeden F. Sheldon to be postmaster at Moosup, Conn., in place of W. F. Sheldon. Incumbent's commission expired January 6, 1931.

IDAHO

Osmond Buchanan to be postmaster at Blackfoot, Idaho, in place of Osmond Buchanan. Incumbent's commission expires February 4, 1931.

INDIANA

Louis Pfefferle, jr., to be postmaster at National Military Home, Ind., in place of Louis Pfefferle, jr. Incumbent's commission expired January 22, 1931.

Earl R. Hoyt to be postmaster at Pekin, Ind., in place of E. R. Hoyt. Incumbent's commission expired January 22, 1931.

IOWA

Kate R. Weston to be postmaster at Webster City, Iowa, in place of K. R. Weston. Incumbent's commission expires February 16, 1931.

KANSAS

Clark L. Porter to be postmaster at Blue Mound, Kans., in place of C. L. Porter. Incumbent's commission expired January 18, 1931.

MARYLAND

Minnie E. Keefauver to be postmaster at Berwyn, Md., in place of M. E. Keefauver. Incumbent's commission expired December 16, 1930.

Susie S. Thompson to be postmaster at Hillsboro, Md., in place of S. S. Thompson. Incumbent's commission expired January 22, 1931.

MASSACHUSETTS

George F. Wason to be postmaster at Hingham, Mass., in place of Edmund Daly, deceased.

Edmund Spencer to be postmaster at Lenox, Mass., in place of Edmund Spencer. Incumbent's commission expired January 18, 1931.

William E. Hurley to be postmaster at Boston, Mass., in place of C. R. Gow, resigned.

MICHIGAN

Grace Tillie to be postmaster at Honor, Mich., in place of Grace Tillie. Incumbent's commission expires February 4, 1931.

Chauncey A. Harris to be postmaster at Pontiac, Mich., in place of C. A. Harris. Incumbent's commission expires February 9, 1931.

Homer L. Allard to be postmaster at Sturgis, Mich., in place of H. L. Allard. Incumbent's commission expired January 18, 1931.

MINNESOTA

Herman J. Ricker to be postmaster at Freeport, Minn., in place of H. J. Ricker. Incumbent's commission expired December 21, 1930.

Olof E. Reiersgord to be postmaster at Ulen, Minn., in place of O. E. Reiersgord. Incumbent's commission expires February 9, 1931.

Almer B. Nelson to be postmaster at Warren, Minn., in place of A. B. Nelson. Incumbent's commission expires February 9, 1931.

MISSISSIPPI

Henry C. Glover to be postmaster at Bay St. Louis, Miss., in place of H. C. Glover. Incumbent's commission expired January 10, 1931.

Louis B. Phillips to be postmaster at Eupora, Miss., in place of L. B. Phillips. Incumbent's commission expires February 9, 1931.

MISSOURI

Jesse E. Fette to be postmaster at Alma, Mo., in place of J. E. Fette. Incumbent's commission expires February 5, 1931.

Robert F. Stalling to be postmaster at Lexington, Mo., in place of R. F. Stalling. Incumbent's commission expired January 22, 1931.

Harvey H. Fluhart to be postmaster at Stewartville, Mo., in place of H. H. Fluhart. Incumbent's commission expired January 22, 1931.

MONTANA

Henry D. Thomas to be postmaster at Moccasin, Mont., in place of H. D. Thomas. Incumbent's commission expired December 21, 1930.

NEBRASKA

Otto Dau to be postmaster at Yutan, Nebr., in place of Otto Dau. Incumbent's commission expired January 17, 1931.

NEW HAMPSHIRE

Alice R. Thompson to be postmaster at Antrim, N. H., in place of A. R. Thompson. Incumbent's commission expired January 25, 1931.

Charles H. Bean to be postmaster at Franklin, N. H., in place of C. H. Bean. Incumbent's commission expires February 7, 1931.

NEW JERSEY

Alan W. Knowles to be postmaster at Budd Lake, N. J., in place of A. W. Knowles. Incumbent's commission expired December 14, 1930.

NEW MEXICO

Agustin F. Sisneros to be postmaster at Espanola, N. Mex., in place of A. F. Sisneros. Incumbent's commission expires February 4, 1931.

NEW YORK

Hilbert W. Becker to be postmaster at Brightwaters, N. Y., in place of H. W. Becker. Incumbent's commission expires February 4, 1931.

Sarah M. Todd to be postmaster at Castle Point, N. Y., in place of S. M. Todd. Incumbent's commission expired January 22, 1931.

Harry F. House to be postmaster at Chester, N. Y., in place of H. F. House. Incumbent's commission expired January 28, 1931.

Samuel W. Berry to be postmaster at Maybrook, N. Y., in place of S. W. Berry. Incumbent's commission expired January 6, 1931.

Charles G. Mackey, jr., to be postmaster at Milton, N. Y., in place of C. G. Mackey, jr. Incumbent's commission expires February 4, 1931.

Harry T. Nowlan to be postmaster at Newark Valley, N. Y., in place of H. T. Nowlan. Incumbent's commission expires February 9, 1931.

NORTH CAROLINA

James H. Carlton to be postmaster at Burgaw, N. C., in place of J. H. Carlton. Incumbent's commission expired January 28, 1931.

Vernal Freeman to be postmaster at Chimney Rock, N. C., in place of Vernal Freeman. Incumbent's commission expired December 14, 1930.

Lewis E. Norman to be postmaster at Elk Park, N. C., in place of L. E. Norman. Incumbent's commission expired January 28, 1931.

Roger P. Washam to be postmaster at Gastonia, N. C., in place of R. P. Washam. Incumbent's commission expired May 6, 1930.

NORTH DAKOTA

May K. Retzlaff to be postmaster at Kenmare, N. Dak., in place of M. K. Retzlaff. Incumbent's commission expired December 20, 1930.

James H. Cramer to be postmaster at Marmarth, N. Dak., in place of J. H. Cramer. Incumbent's commission expired May 20, 1930.

OHIO

Edward C. Anderson to be postmaster at Blanchester, Ohio, in place of E. C. Anderson. Incumbent's commission expired January 10, 1931.

Alexander M. Renick to be postmaster at Chillicothe, Ohio, in place of A. M. Renick. Incumbent's commission expires February 17, 1931.

Henry H. Harvey to be postmaster at Kenton, Ohio, in place of H. H. Harvey. Incumbent's commission expired January 10, 1931.

William F. Hains to be postmaster at Wilmington, Ohio, in place of W. F. Hains. Incumbent's commission expired January 11, 1931.

OREGON

Oscar Daley to be postmaster at Vale, Oreg., in place of Oscar Daley. Incumbent's commission expired January 28, 1931.

PENNSYLVANIA

William T. Cruse to be postmaster at Derry, Pa., in place of W. T. Cruse. Incumbent's commission expired January 15, 1931.

Howard L. Harbaugh to be postmaster at Fairfield, Pa., in place of H. L. Harbaugh. Incumbent's commission expired July 2, 1930.

Thomas J. Morgan to be postmaster at Nanticoke, Pa., in place of T. J. Morgan. Incumbent's commission expired January 22, 1931.

Howard C. Shenton to be postmaster at Slatington, Pa., in place of H. C. Shenton. Incumbent's commission expired December 16, 1930.

SOUTH DAKOTA

Solomon Hoy to be postmaster at Fort Pierre, S. Dak., in place of Solomon Hoy. Incumbent's commission expired January 14, 1931.

TENNESSEE

Robert T. Johnson, jr., to be postmaster at Elizabethton, Tenn., in place of D. L. Hyder, resigned.

TEXAS

James S. Mewhinney to be postmaster at Buckholts, Tex., in place of J. S. Mewhinney. Incumbent's commission expired December 20, 1930.

Robert H. McClanahan to be postmaster at Coldspring, Tex. Office became presidential July 1, 1930.

James F. Atkinson to be postmaster at Florence, Tex., in place of J. F. Atkinson. Incumbent's commission expired December 11, 1930.

Jesse D. Starks to be postmaster at Floydada, Tex., in place of J. D. Starks. Incumbent's commission expired December 20, 1930.

Curtis D. Crossman to be postmaster at Garland, Tex., in place of C. D. Crossman. Incumbent's commission expired December 20, 1930.

Mabel Bird to be postmaster at Gary, Tex., in place of Mabel Bird. Incumbent's commission expired December 11, 1930.

Nathaniel B. Spearman to be postmaster at Mount Pleasant, Tex., in place of N. B. Spearman. Incumbent's commission expired January 17, 1931.

Willie J. Allison to be postmaster at Pickton, Tex., in place of W. J. Allison. Incumbent's commission expired December 11, 1930.

Hugh G. Koether to be postmaster at Shiner, Tex., in place of H. G. Koether. Incumbent's commission expired December 11, 1930.

Albert E. Newman to be postmaster at Texas City, Tex., in place of A. E. Newman. Incumbent's commission expired January 17, 1931.

UTAH

Herschel E. Calderwood to be postmaster at Coalville, Utah, in place of H. E. Calderwood. Incumbent's commission expired January 21, 1931.

Leon P. Ralphs to be postmaster at Ferron, Utah, in place of L. P. Ralphs. Incumbent's commission expired January 22, 1931.

Lydia R. Shaw to be postmaster at Huntington, Utah, in place of L. R. Shaw. Incumbent's commission expired January 7, 1931.

Aroet L. Harris to be postmaster at Richmond, Utah, in place of A. L. Harris. Incumbent's commission expired January 6, 1931.

VERMONT

William H. Lang to be postmaster at Beecher Falls, Vt., in place of W. H. Lang. Incumbent's commission expires February 1, 1931.

Flora S. Williams to be postmaster at Charlotte, Vt., in place of F. S. Williams. Incumbent's commission expired December 17, 1930.

Perley U. Mudgett to be postmaster at Johnson, Vt., in place of P. U. Mudgett. Incumbent's commission expired December 17, 1930.

Lester E. Boyce to be postmaster at Ludlow, Vt., in place of L. E. Boyce. Incumbent's commission expires February 1, 1931.

Charles A. Bourn to be postmaster at Manchester Depot, Vt., in place of C. A. Bourn. Incumbent's commission expired December 17, 1930.

William J. Wright to be postmaster at Montgomery Center, Vt., in place of W. J. Wright. Incumbent's commission expired December 17, 1930.

Herbert L. Bailey to be postmaster at Putney, Vt., in place of H. L. Bailey. Incumbent's commission expires February 1, 1931.

William T. Mead to be postmaster at Underhill, Vt., in place of W. T. Mead. Incumbent's commission expired December 17, 1930.

WASHINGTON

Stanley J. Slade to be postmaster at Bridgeport, Wash., in place of S. J. Slade. Incumbent's commission expires February 5, 1931.

Walter L. Cadman to be postmaster at Dayton, Wash., in place of W. L. Cadman. Incumbent's commission expired January 15, 1931.

WISCONSIN

Anna J. Johnson to be postmaster at Fairwater, Wis., in place of A. J. Johnson. Incumbent's commission expired January 14, 1931.

Alice E. Ford to be postmaster at Pelican Lake, Wis., in place of A. E. Ford. Incumbent's commission expired January 21, 1931.

HOUSE OF REPRESENTATIVES

SATURDAY, JANUARY 31, 1931

The House met at 11 o'clock a. m.

Rev. Richard David Hughes, of the Emerald Avenue Presbyterian Church, Chicago, Ill., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for our national inheritance. We thank Thee for the faith of our fathers, for the spirit of faith and of courage that we have inherited from our fathers. We rejoice because of the gift of Mount Sinai to civilization, and we pray that Thy blessing may rest upon law and the spirit of law in our great Nation and create within our hearts a greater spirit of reverence for law. We pray that Thy divine unction and blessing may rest upon this body as they meet for deliberation this hour. Help us in spirit and in truth to realize that we are workers together with God. Bless us in the fellowship of service as we endeavor to serve one another and to serve our Nation. Give us a finer spirit of faith in one another. Bless us in our faith in Him who lived and who died that we might live. We ask it in the name of Jesus Christ, our Lord and our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to the bill (S. 615) entitled "An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5817. An act to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 14675) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes," disagreed to by the House; agrees to the conference

asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. JONES, Mr. PHIPPS, Mr. McKELLAR, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 15593) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes," insists upon its amendments to said bill, requests a conference with the House thereon, and appoints Mr. REED, Mr. JONES, Mr. BINGHAM, Mr. HARRIS, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16654) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes; and pending that motion, Mr. Speaker, I would like to arrange with the gentleman from Louisiana [Mr. SANDLIN] as to time for general debate. I may say that it is the desire of the leaders of the House to have this legislation enacted into law to-day if possible. As the gentleman knows, there is nothing in the bill of a controversial character and it will not take very much time when we really get to the consideration of the bill itself. Our work will be to guard the time and see that too much time is not taken up in general debate which has nothing whatever to do with the legislation we have before us. I may say to the gentleman that on this side we have requests for about two hours.

Mr. SANDLIN. Mr. Speaker, I have no desire to delay the matter and will be glad to expedite consideration of the bill; but I have requests for three hours on this side, and will have more requests if the time is not fixed pretty soon.

Mr. MURPHY. May I ask the gentleman if we can set 4 o'clock as the time for commencing the reading of the bill, and in the event some of those who have requested time do not take it, we can start reading the bill earlier.

Mr. SANDLIN. Of course, if some of those who have requested time do not want to use it, I will be pleased to go on as soon as the debate is finished; but I would like to protect their rights by asking for three hours.

Mr. TILSON. Could not the gentlemen agree upon five hours for general debate?

Mr. SANDLIN. I can agree to that if the gentleman from Ohio will only take two hours.

Mr. TILSON. I meant that the time should be equally divided. We should not like to establish a precedent of not dividing the time equally.

Mr. SANDLIN. I would not like to see that done either, but I also would not like to establish the precedent of promising Members that I will try to get them time and then agree to a limit of time that will prevent giving it to them. I will agree to two hours and three-quarters on this side and it is possible we may be able to cut that down.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed five hours, to be equally divided and controlled by the gentleman from Louisiana and myself.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. MURPHY]?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the con-

sideration of the bill H. R. 16654, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MURPHY. Mr. Chairman, ladies and gentlemen of the committee, it is not my purpose at this time to take up your time with an explanation of the bill. This is one of the plainest bills that comes before you appropriating money. It has to do with your own affairs and the bill carries nothing in it that is controversial. Following the instruction of our chairman we have labored carefully to keep legislative matters out of the bill and we have succeeded fairly well, and at this time I yield to the gentleman from New Jersey [Mr. LEHLBACH] 30 minutes.

Mr. LEHLBACH. Mr. Chairman, the Wickersham report has been submitted, analyzed, and digested. Many ideas have been formed concerning the facts found and the recommendations made. People have read into the report what they wish it might contain, and the interpretations are as varied as are the views entertained on the subject of prohibition.

But two facts are certain. The commission is practically unanimous that the eighteenth amendment is not observed and not enforced. A majority of the commission unequivocally state their belief that the eighteenth amendment can never be adequately enforced. If the labors of the commission are not to be wholly scrapped, these two propositions are the foundation upon which a new dispensation must be built.

The heart and soul of the eighteenth amendment is nation-wide mandatory prohibition by constitutional provision. Any proposition that does away with unmodifiable, universal prohibition is in essence a repeal of the amendment. However, the commission apparently uses the term "repeal" to mean a repeal of the amendment without substituting any other form of national control, and the term "revision" when it means repeal of the amendment coupled with a substitute, to provide further national control. These terms are so used in the public press and this use is becoming generally accepted in public discussions. Accordingly, when I say repeal, I mean a naked repeal of the amendment, and when I say revision, I mean a repeal of the amendment with a substitution of another method of Federal activity with respect to alcoholic beverages.

Now that the tumult and shouting have measurably died down the people properly turn to Congress and ask what it intends to do about it. Inasmuch as there is no reasonable doubt that a great majority of the people share the conclusions reached by the Wickersham Commission, it is the plain duty of Congress to act at once.

The commission suggests an amendment repealing constitutional prohibition and providing that Congress may regulate or prohibit intoxicating liquors. Where will that get us? It is a strange process of reasoning that leads to the conclusion that because national prohibition is unenforceable Congress should be empowered to reenact it. Furthermore, if Congress could institute or repeal prohibition at will, this question would become the perpetually dominant issue in our politics. Again, it is a well-known constitutional doctrine that State action is valid until Congress exercises a power vested in it. When Congress legislates on a question, such action supersedes all State measures. Therefore, should Congress, under the power to control, set up a system regulating and supervising the manufacture and distribution of alcoholic beverages, such legislation would repeal every State law enacting local prohibition. Surely there is no one so bitterly opposed to State rights and home rule as to prevent a State from enjoying prohibition if it wants to.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LEHLBACH. I would rather not at this time, but I will yield.

Mr. COCHRAN of Missouri. Along the line of the gentleman's argument let me say I propose to introduce next Monday two bills which will amend the Volstead Act and the Webb-Kenyon Act in such a way as to permit the manufacture and sale of nonintoxicating beverages and at the same time will give the States the right to continue to prohibit the manufacture and importation of any beverages whatever, if they so desire.

Mr. LEHLBACH. I think I will touch on that subject a little later.

The proposition to submit for ratification a naked repeal of the eighteenth amendment is grossly unfair to those who are earnestly striving to bring about a betterment of the present intolerable mess. The issue would immediately be drawn between present conditions and the situation before the war with all the evils admittedly attendant upon it. Large numbers of people are opposed to the present conditions, but wish to have presented for their consideration some alternative that will check the recurrence of such former evils. If the people are to pass upon the repeal of constitutional prohibition, they are entitled to have submitted to them at the same time a concrete proposition to take its place.

Accordingly, I introduced on January 21, 1931, House Joint Resolution 477, to submit to the States to be considered by conventions chosen for that purpose the following proposition:

ARTICLE —

SECTION 1. Article 18 of the amendments to the Constitution of the United States is hereby repealed.

SEC. 2. The Congress shall have the power to aid the States in the enforcement of their respective laws to regulate or to prohibit the manufacture, sale, or transportation of intoxicating liquors for beverage purposes and may exercise all powers reasonable and necessary for that purpose.

SEC. 3. This amendment shall take effect on the first Monday of December after its ratification.

This amendment would restore to the respective States the right to inaugurate and maintain their own policies with respect to the regulation of the traffic in alcoholic beverages. In all States where prohibition by State action now exists this policy would continue without further legislation by the State until such State should on its motion modify it. Any State would have the power to inaugurate such policy on the subject as would best meet the local needs. It could inaugurate a system along the lines of the Anderson plan. It could inaugurate a system of local option with prohibition over large areas and a form of control in congested centers of population. It is true, it may be urged that a State would have the right to return to the conditions that obtained before the war. As a practical matter, there is not a single State in the Union that would adopt such a course.

The amendment then would enable Congress to pass any reasonable legislation to protect each State in carrying out its own policy on this question without let or hindrance from any source whatsoever. Attempts in the past by the Federal Government to extend such aid to the respective States, such as the Webb-Kenyon Act, were unsuccessful, because Congress was restricted in the enactment of such legislation to the commerce clause of the Constitution. Under this new amendment the field is wide open to the Federal Government to take whatever steps may be necessary to guarantee to the States the effectiveness of their liquor laws as against outside interference. The advocates of prohibition at the time of its adoption argued that national prohibition was not desired in order to impose the will of one section of the country upon another, but that it was necessary for the purpose of protecting dry territory from outside invasion.

Under the powers vested in Congress by this amendment the Federal Government may supervise and control the manufacture and distribution of intoxicating beverages throughout the United States in order to prevent shipment into dry territory. It may guard its borders against importation. The exercise of such powers would be so manifestly reasonable and just that it would receive the whole-hearted support of the people instead of awakening their resentment.

The effective date of the amendment is fixed on the first Monday of December next after its ratification. Congress

will then meet and may proceed immediately to consider legislation to carry the amendment into effect.

Congress, in the light of information at its disposal, in the light of the views of a decided majority of the Wickersham Commission, and in the light of the views and wishes of the people, as evidenced by recent polls and the last elections, must no longer temporize. [Applause.] The party that refuses to face the facts and refuses to meet the issue now with firmness, courage, and wisdom will be overwhelmingly repudiated at the next national election. [Applause.] The party that would perpetrate a stupendous hoax on the American people by nominating a wet candidate for President on a repeal platform and at the same time giving private assurance to its adherents in prohibition sections that through their representatives in Congress they would be permitted to block a submission to the people of any proposition for a change would forfeit the confidence of the American people for a generation to come.

I am not concerned with the form of the amendment I have proposed, but with its substance. The Committee on the Judiciary is thoroughly capable of choosing the language to make effective the intent. Should the prohibition question be submitted to the people now, they could debate it during the spring and summer, they could choose the delegates to the respective conventions in the fall, and early in the following spring the will of the people would have been ascertained and the question settled. We could enter the campaign of 1932 on issues that would evoke the calm consideration and the sound judgment of the people rather than on an issue that primarily inflames prejudice and passion. [Applause.]

Mr. COLTON. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. COLTON. I was interested in the statement of the gentleman as to the wishes of the people. The gentleman is aware that only one State has formally requested Congress to repeal the eighteenth amendment, whereas prior to its enactment some 10 or 12 States asked Congress to enact and pass the eighteenth amendment.

Mr. LEHLBACH. I was not making the statement with the action of legislatures of the States in mind. I was making it in view of what I said the recent polls showed and the last election.

To my mind I think the sentiment throughout the Nation is not for the return of the old conditions, but for a change of the mandatory prohibition to some reasonable enforceable form that will safeguard against the recurrence of the evils of former days.

Mr. COLTON. I have investigated the matter, and only one State has requested Congress to repeal the eighteenth amendment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. LAGUARDIA. The gentleman's proposition is not to make it possible to return to conditions which brought about national prohibition, but to give to each State all the protection and prevent liquor coming in from States that decide to be otherwise?

Mr. LEHLBACH. This amendment would enable the Federal Government to exercise any power which was reasonable and necessary to protect the States.

Mr. LAGUARDIA. So that a State could be as dry as the people of that State desired?

Mr. LEHLBACH. Certainly.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. STAFFORD. As the gentleman has stated, under the old conditions no serious attempt on the part of the Federal Government was made to prevent the importation of liquor into a dry State. No agency was established by the National Government to prevent that importation. Under the gentleman's amendment there would be a mechanism set up of officials which would carry out the will of a State if it desired prohibition?

Mr. LEHLBACH. Under this amendment the Government might set up a system something like this. The Federal Government might designate certain manufacturers for the

production of alcoholic beverages under its immediate supervision and control and prohibit anybody else from manufacturing or dispensing such beverages. It could then, through its agents on the premises, prevent the shipment of anything out of that manufactory, brewery, or distillery without the specific O. K. of the Government through its agents. The trouble with the Webb-Kenyon Act was that the Government could not do anything until the goods actually were in interstate commerce, but here we can go back and regulate the malt, the barley, the rye, right from the very beginning.

Mr. STAFFORD. There was no machinery with which to do it, and no serious effort was made under the Webb-Kenyon Act to carry out those provisions.

Mr. LEHLBACH. There was no adequate provision for doing it.

Mr. STAFFORD. The drys make strong protest that under the old conditions they could not protect themselves from the invasion of liquor from the wet States. As a matter of fact there was no serious effort on the part of the National Government, and no machinery established, to carry out that purpose.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. KETCHAM. I am interested in the gentleman's suggestion that his proposed amendment should be submitted to conventions called in the several States for that purpose. Does that indicate the gentleman's mind with reference to other amendments to the Constitution that might be offered later on? In other words, has the gentleman arrived at the point in his thinking where he believes that the convention system in connection with all constitutional amendments is better than the present system we have of approval by legislatures?

Mr. LEHLBACH. Undoubtedly. No legislature is chosen upon the basis of one single issue. Even if it is known that it is to pass on a constitutional amendment, other issues enter into the election, and you do not get a real reflection of the public mind upon the particular question; but when you choose delegates to a convention solely for the purpose of passing upon a specific question, you get a reaction to the public will.

Mr. KETCHAM. Does the gentleman think that on the average we would get as fair a cross section of the mature judgment of the people of the State upon a single proposition as we would if members were elected to the legislature because of general qualifications? Does he not think that a great many times the men who would go there would be elected solely for that one purpose, and that alone, whether or not they had any general conception of what was best for the Government? They would be elected simply to vote yes or no on that proposition.

Mr. LEHLBACH. Absolutely; as delegates of the people to pass on that particular question. Why should you choose a man with respect to his views on other dissociated subjects when you want him to represent the people to pass on one specific subject?

Mr. KETCHAM. I am trying to get particularly to the question of the comparative personnel, so far as their general conception of legislative propositions is concerned, when they would be chosen for that purpose and no other, just to vote yes or no.

Mr. LEHLBACH. With the exception, of course, of the State of New Jersey, which is unusual and unique, I do not know of a State that on an average has a legislature that I would consider superior to a body of delegates chosen in convention anywhere.

Mr. KETCHAM. I am glad to have the gentleman's reaction.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. COCHRAN of Missouri. Confirming the statement the gentleman from New Jersey has just made, let me say that in November prior to the ratification of the prohibition amendment, Missouri, with thousands of men

abroad fighting in the trenches, refused to adopt prohibition by a direct vote of the people by 75,000 majority, and despite that the members of the legislature, elected upon the same day, ratified the amendment.

Mr. STAFFORD. The State of Iowa just a few years before, in a referendum, had refused to have State prohibition, and yet its legislature ratified the eighteenth amendment. North Dakota also by referendum refused to have State prohibition, and yet its legislature ratified the eighteenth amendment.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. FORT. I am interested in the gentleman's statement at one stage where he stated that the amendment he proposed would not permit the infliction of prohibition. As I understood him later, his proposal would permit Congress to limit, in the strictest possible way, the manufacturing plants which might manufacture intoxicating beverages.

Mr. LEHLBACH. It would have that power.

Mr. FORT. If Congress had the power to regulate in that way, would it not also have the power under the gentleman's amendment to exact prohibition?

Mr. LEHLBACH. Under the power to regulate, Congress would have the power to aid the States, and not to oppose the States, by every means necessary and reasonable; but, if under the guise of legislating for the purpose of aiding the States in their policy with respect to liquor, Congress should use that as a subterfuge to effect national prohibition by restricting the manufacture of intoxicating beverages to a point where they were practically inaccessible, the question would arise in the courts whether that was a reasonable exercise of the power vested by the Constitution.

Mr. FORT. But is it not a fact that the power to regulate, like the power to tax, is really a power to destroy?

Mr. LEHLBACH. It is possible in certain instances and as an academic question.

Mr. FORT. A great many States adopted state-wide prohibition by legislative act without specific constitutional authority to destroy the traffic, and did it under the power to regulate.

Mr. LEHLBACH. They did it, not under their power to regulate but under their police power to do what was necessary to protect the health and safety and morals of the community, and prohibition was deemed by them such a means, and the courts have upheld them.

Mr. FORT. But the gentleman does not think that any sort of power to regulate, conferred on Congress, would give it the power to prohibit?

Mr. LEHLBACH. Not directly; no.

Mr. FORT. If Congress should find, as a fact, that in spite of all of its regulations there was a seepage of liquor over State borders into a State that did not want it, would it not have the power, under the gentleman's amendment, to completely prohibit as a last resort in aid of the State which did not want it?

Mr. LEHLBACH. I do not think so. I do not think that would be construed as a reasonable and necessary exercise of the power.

Mr. SLOAN. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. SLOAN. Speaking historically, what amendment to our Constitution has been adopted in the manner which the gentleman now proposes?

Mr. LEHLBACH. I know of none, but the Constitution clearly provides for this method of ratification. Furthermore, there is pending in the Supreme Court of the United States a decision of a Federal court that in certain circumstances, where the rights of the people are limited, that method, by a reasonable construction of all parts of the Constitution and Article X, is the only method that may be employed. That decision still stands as the law until the Supreme Court of the United States passes on it.

Mr. SLOAN. It is probably standing more than it is pending. [Laughter.]

Mr. DUNBAR. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. DUNBAR. Can the gentleman inform us how many States have prohibition laws equal to or more drastic than the Volstead Act?

Mr. LEHLBACH. I do not know, but I imagine 10 or 12.

Mr. DUNBAR. I imagined there were a great many more.

Mr. LEHLBACH. There were 26 prohibition States at the time of the adoption of the eighteenth amendment, I think. Whether the enforcement laws of those various States are more drastic in some particulars or less drastic in other particulars than the Volstead Act I do not know. I have not made any study of the question. That would require a comparison of the enforcement laws of each such State with the Volstead Act in all of its provisions.

Mr. DUNBAR. It is my understanding that a majority of the States of the Union have prohibition laws more drastic than the Volstead Act. I wonder if the gentleman has any information on that subject.

Mr. LEHLBACH. There are some, unquestionably, but I do not know how many.

Mr. DUNBAR. In my own State of Indiana there is a prohibition enactment law which prohibits whisky or alcoholic beverages or wine from being used, even in case of sickness, and if a man be found to have in his possession a quarter of a pint of whisky, or even a tablespoonful, for that matter, he would be subject to prosecution under the prohibition act of the State of Indiana.

Now, does the gentleman not believe that the consideration for the amendment of the Volstead Act should not come from those States, and especially from States where there is a great uproar to-day against the Volstead Act and which have a more drastic law enacted by their State legislatures, but that they should repeal their own drastic laws instead of appealing to Congress? A modification of the eighteenth amendment would not affect many States.

Mr. LEHLBACH. If the State of Indiana has a law such as the gentleman has described—and I know it has—I do not think it ought to be very much concerned with what the Federal Government does, in any event.

Mr. DUNBAR. I am much disappointed that the gentleman can not inform the House on the subject of the number of States which would not be affected by repeal of the eighteenth amendment or the Volstead Act.

Mr. LEHLBACH. I have stated three times that I do not have the information.

Mr. SEARS. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. SEARS. I am very much interested in the gentleman's effort to have some plan adopted that will settle the question; but with reference to the matter indicated by the gentleman from Missouri [Mr. COCHRAN] with reference to his State, the vote being carried when the boys were in the ranks and away from this country and having no voice in the matter, the vote on the amendment of the State constitution was taken the year before, in 1916, when they were all here. I have concluded from looking over the field that the amendment in the different States throughout the Union was carried, not by reason of prohibitionists, but it was carried by those who always drank liquor, always expect to drink, and who were tired of the way in which the business was run and the way it was entering into the social and political life of the country. I do not think there were enough prohibitionists to have carried it. The gentleman from New Jersey [Mr. LEHLBACH] thinks this will settle the question, but I know of no place where those who were engaged in the liquor business have tried to accept laws and tried to carry on the business in such a way as to commend itself to the average citizen. By "the average citizen" I do not mean the prohibitionists but those middlemen who always drank and always expect to drink, and who, I am sure, carried the election. What evidence have we got, what thought have we got, that will lead us to a conclusion that when we adopt that the question will be settled as the gentleman wishes to settle it? Will that not throw the question wide open year after year in all the States where there is a policy either way? The prohibitionists will keep the agitation going when States and local communities are wet. The

liquor people are splendidly organized, and they will surely do as they have done, it seems to me.

Mr. LEHLBACH. I assume the gentleman is addressing an inquiry to me.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. LEHLBACH] has expired.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, ladies, and gentlemen, I have been requested by several Members upon either side of the House at some time to come before them and give them some of the actual conditions that exist in the State of Arkansas.

It is not a pleasant duty for a man to stand before the representatives of American citizens and talk about the poverty-stricken condition of his own State. It is with considerable reluctance that I do so. But in view of the many things that are being said, some of them true and some of them more or less slanderous, I feel that a plain statement of the conditions as they exist and the things that brought them about would be information that every right-thinking man in this Congress would appreciate.

I think it would be of interest to you to know something of the duration of the drought which has affected 21 States and to which the Red Cross to-day is contributing. The Red Cross to-day is contributing to the drought-stricken people in the following 21 States:

State	Number of counties in State	Number of counties receiving reduced freight rates	Number of counties given aid by Red Cross	
			Food, clothing, and other assistance	Seed
Alabama.....	67	39	20	
Arkansas.....	75	75	73	61
Georgia.....	161	7		
Illinois.....	102	40	25	
Indiana.....	92	41	14	
Kentucky.....	120	117	94	102
Louisiana.....	64	40	28	17
Maryland.....	24	21	8	
Mississippi.....	82	73	50	20
Missouri.....	115	78	30	
Montana.....	55	28	13	
New Mexico.....	31	5	1	
North Carolina.....	100	8	1	
Ohio.....	88	60	26	
Oklahoma.....	77	60	36	9
Pennsylvania.....	67	8	3	
Tennessee.....	95	79	29	
Texas.....	254	82	19	29
Virginia.....	100	100	52	
West Virginia.....	55	50	30	
Wyoming.....	24	5		
Total, 21.....	1,848	1,016	1,552	238

¹ This figure had increased to 653 counties by Jan. 27.

Arkansas, my friends, happens to be in the limelight because we have 75 counties in that State, and there was not a single county that escaped the withering blast of that awful drought. In some of the States, like Missouri, half of the State would be touched and the other half would not be touched; Tennessee was in a similar position and a great part of Louisiana likewise. For 43 consecutive days, with the exception of one, the temperature reached 100° or over. I made a campaign of about 15 or 20 days prior to August 14, during the most intense part of that terrific heat. I stayed in the most comfortable hotel in the city of Little Rock, and it was impossible for anyone, on account of the heat, to close their eyes in sleep before 1 or 2 o'clock in the morning. During a period of practically 100 days we did not have enough rain to wet a man's shirt. The average rainfall for June and July in Arkansas was 7.8 inches. During this 60-day period of last year we had 1½ inches, and that 1½ inches is represented by little intermittent showers that occurred in different sections of the State. That is something of the drought that concentrated upon those 75 counties in the State of Arkansas. As a result of that we have had an almost total crop failure, and this crop failure, remember, came upon a depression that had preceded the

drought by 12 months. That depression hit the industries of Arkansas and the business interests of Arkansas just as hard as it hit any other section of the country.

My district is 125 miles long. It parallels the Arkansas River. We have a wonderful road running from one end of my district to the other, and I can cover it in three hours' time. I say to you frankly that I do believe I could take one wagon and haul off all the corn you can see on either side of the road in that distance of 125 miles. That is one of the many drought conditions I found in that campaign, and I made most of it in the rural sections of my district. I was completely astounded when I saw that corn, which usually averages a growth much higher than your head, never grew above your waistline. It was simply burned to the ground. As a result of that drought, my friends, the \$119,000,000 cotton crop of Arkansas in 1929 withered last year to \$41,000,000.

In addition to that we received only 60 per cent of the average price on that cotton crop. Our \$26,000,000 corn crop, which we have been getting in that State, went down to \$8,000,000. The average yield of corn in 1926 was 20 bushels per acre; the average in 1927 was 19 bushels per acre; the average in 1929 was 14 bushels per acre; but in 1930 it dropped to 4.1 bushels per acre. Take fruits and nuts. There was a decrease in that State this year of 50 per cent. Wild hay was one-third of the crop, and there was a 50 per cent drop of domestic hay. I give you these figures in order to show the diminished volume of crop production in that State.

My friends, this crop condition, taken in connection with the depression, has practically ruined the business interests of that State. I was handed these figures this morning: Since July 1 we have had 143 bank failures in that State. I happened to be a victim of four of them myself. In November, 1929, we had our first bank failure in my town of 3,500 people. I happened to be a customer of that bank. I changed my account over to another bank. In exactly three months from that date that bank went down. I then changed my account to the last bank, which everybody said was a good, strong institution, because I thought I would be entirely loyal and do business at home. When this drought struck us and the farmers and business men saw the conditions that were bound to break upon us, they began to slowly withdraw deposits and one day I received the sad information that my third and last bank in the little city had failed. Then with considerable reluctance I said I would go to Little Rock, which is in my district. I went to the biggest bank in the entire State of Arkansas. I said, "I will play safe now." But within 60 days after I began business with that bank it failed. So if you want to see an 18-karat victim of the combination of depression and drought you can look upon your humble speaker at this time.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?
Mr. RAGON. I yield.

Mr. O'CONNOR of Oklahoma. We would be interested in knowing whether the gentleman was a borrower or a depositor. [Laughter.]

Mr. RAGON. I happen to represent a good example of both. Now, gentlemen, as a result of these bank failures there is to-day tied up in Arkansas the total sum of \$41,920,816. I know that to many of you these figures are not large because you come from the great cities of the country where they have lots of money, but to a State like Arkansas it is a tremendous sum of money.

As a result of these conditions, I want to now give you something of the suffering that I know is going on in the State of Arkansas. May I divide the State as it should be divided? If you would draw a line directly through the State from the northeast corner to the southwestern corner, you would have two entirely distinct sections of country. One of them is strictly a southern country, the other is mostly of the western type of country people. One of them is a plantation section and the other is a section of small hill farmers. I happen to represent the latter section.

I say to you that I saw conditions breaking down there in August, and what has happened to us has been no surprise. And may I interject right here that one of the trou-

bles in this situation grows out of this very fact. The people of Arkansas themselves did not awaken to the great calamity that was about to fall upon them. Business people of the city of Little Rock and of the smaller cities of the State did not realize it; and then I am going to say, frankly, without any criticism of the Red Cross, because it has too many headmarks to its credit for anybody to criticize it, that the Red Cross did not realize conditions; and then I am going to say to you that President Hoover, who knows my State as well perhaps as any State in the Union, did not realize what was breaking down there, and this has been one of our troubles.

I remember I spoke at a little picnic one day when a man told me a story of similar purport to those I heard all over my district during the campaign, and this was prior to August 14. An old friend of mine said to me, "I wish you could have been here just a short while ago. I would like to have shown you a fellow who is about 38 years old and has a wife and three children. I was talking to him down there at that peanut stand, and that fellow, with tears in his eyes and with his body shaking as if he were in convulsions, told me that that morning he had taken the last chicken from his place down to a certain store and sold it for provisions with which to feed his wife and children, and he said to me, 'Mr. Jones, I do not know what I will do when that food is gone.'"

Now, I know what that fellow will do, and you know what he will do. If he can not get it in any other way, he will get it out of somebody's corncrib or out of somebody's meat house, and this is a social condition that we are facing in these drought-stricken States.

Another instance, a good span of mules at the little town of Belleville sold on the street for \$2 that 10 years ago would have sold for \$250. I say to you, frankly, there comes to my office and there comes to the office of these two good women sitting here, Mrs. OLDFIELD and Mrs. WINGO, and to the gentleman from Arkansas [Mr. GLOVER] over there every day appeals with respect to the conditions that exist now in our State.

There is the little town of Adona which I might use as another illustration. Mr. Ira Nix, who lives there, is a member of the local Red Cross, and he wrote me some time ago:

I wish you could know, as I know, the conditions that exist in this little community, a prosperous farming settlement, with 3 or 4 or 5 stores.

He then told me the instance of a man with a wife and six children, the oldest of which was only 12 and the youngest 6 months. He said they had not a thing in their house for a week except turnips and turnip greens and they were cooked in water with no seasoning whatever. I know this man Nix, and he is as good a man as there is on the floor of this House and he would not have told me this if it were not true. He said further:

I give you this as one instance of the many that I know in this community.

I had another letter from him the other day in which he told me that eight mules had died in that community from nothing in the world but starvation.

My friends, these conditions are existing all over the State. I am not talking about any plantation-owned system, I am talking about the fellows that own their small farms, and may I, in this connection, read you from this newspaper article? Some of you may have read it. It was carried in the Star, but I have forgotten the date and it is torn off here. However, it was written by an Associated Press man and it is from Marvell, Ark.:

One meal a day, consisting usually of bread and molasses and, perhaps, beans or plain salt pork.

Now, plain salt pork we call down there "white lightning," and white lightning is side meat that has not any lean in it.

"A drought sufferer's family gets out of what the Red Cross gives him, but we are thankful to get that because it keeps us from starving," said Jacob Miller, a colored tenant farmer and life-long resident of the community. "About all it does is to

keep us alive though." Miller's case is typical of that of most of the tenant farmers of this and other counties, whites and colored alike. He has a wife and two children and has been receiving food from the Red Cross for three weeks. It amounts to about \$5. "We eat one meal a day," he said, "if we try to get any more than that out of the food we get, it would not last two weeks. The food is allotted every two weeks. We do not get enough at one meal. If I ate all I wanted there would not be any left for my family, so lots of times I do without. The people over here, both white and colored persons, have just about killed all of their hogs that did not die. I lost five hogs and was afraid to eat them. I know of lots of others who have lost their hogs. I do not know what was the matter with them. I suppose it was because they hadn't gotten the right kind or enough food. Now people are going to have to kill their cows, as poor as they are, to get enough to eat."

Of course, I do not know this man, but this is carried under an Associated Press caption, and I say, frankly, that lots of stories you get from down there are exaggerated, but what I am giving you with respect to my district I know about personally. I know the conditions there, and I say to you frankly I did not believe that such a condition could ever exist anywhere in this great American country as exists down there.

Now, many men have asked what the State of Arkansas has done, and this is a proper question. I see before me here my friend from New Jersey, Mr. FORT, and I am going to preface my statement by saying that many have criticized the State because they have said it has not done anything.

During the war times, under the food administration of President Hoover, my friend from New Jersey had supervision of Arkansas. If I make any statement out of the record, he sits here with my permission to call me down. He has told me numerous times of the wonderful part that these people in Arkansas played down there and how it was more or less of a surprise to him and how he has told audiences in this country of what Arkansas was doing in order to inspire other people to come up to their record. I say to you that I do not believe there was a State in the Union that went deeper into the sugar barrel and the meal barrel to get more for the soldiers than did the State of Arkansas. [Applause.] My home county, according to a great national weekly, had, at one stage in the war period, more volunteers according to its population than any other county in the Nation.

I do not say this except to emphasize the fact that the people of my State will give until it hurts in order to alleviate the suffering that exists there. [Applause.]

I resent any statement that my State has not tried to alleviate the conditions down there, which are so tremendous that I doubt if any other State except our four largest could handle the situation.

When this calamity first began to break Governor Parnell invited Senator ROBINSON and myself and three other men for a conference. We had a preliminary discussion. We went into the question of providing some means by which the State could handle it. We selected H. C. Couch, a man whose business ability and whose integrity and honesty is not questioned anywhere—and he is known practically all over the country—as chairman of the drought committee.

He set about organizing the State. I might say that we selected seven members to represent the State on that general drought committee. Those 7 men selected a larger committee composed of 25 or 30 men. Those 30 men went out and organized State organizations to handle the conditions as best they could.

We set about to see what we could do. We had a second meeting in which there were 50 men. We invited the Red Cross, the farm-extension people, we invited the Smith-Hughes people, and every organization in the State that could function to be there with us.

Well, we met and we discussed how we might float bonds to take this matter over. In my State we have a tremendous road program. I do not suppose any State around us has one as large. We are small in financial ability and we have this large road problem stretching out over a period of five years and supposed to be concluded next year.

We have authorized the issuance of bonds up to practically \$100,000,000—I may be \$10,000,000 out of the way, but I think it is about \$100,000,000.

We are supposed to retire the bonds on the gasoline tax and on the motor tax. We have as high, if not the highest, gas tax there is of any State in the Union—5 cents a gallon. We found it would be impossible to do what we thought should be done; that is, to call a special session of the legislature to put on an additional 2-cent emergency tax on gasoline. After we laid our plans before those who were supposed to know the State's condition we decided we had better abandon that plan. Then they set out to organize the resources of the State in the small towns and in the most prosperous villages in order that they could take care of these deserving people. I can not speak except for two or three counties in my district, but I am going to give you the intimate touch that I have had with them. I happen to be a member of the Rotary Club that, I think, first took this up in my home county. We enlisted the Lions Club. Then we enlisted the Business and Professional Women's Club, the chamber of commerce, and then went to the local chapter of the Red Cross, and we combined all these forces into an organization that would assist the people of my own county, and the same thing happened in Pope and one or two other counties to my own knowledge. I am advised the same thing was done all over the State, but I am speaking now only of my own knowledge. We got a lady to volunteer her services, a social worker. She had been employed in Chicago for years as a social worker there and she proved to be a most efficient and gracious little angel of mercy. She happened to be the wife of a college professor. She gave all of her time to this work. She was sent all over the county finding the destitute people, and when she found them we went down into our pockets and got the money to supply them with food.

Then a committee of good women went around to every home in that town and begged shoes and hats and clothing of all kinds and established a little distribution store, and all this happened at least 30 days before I left that town to come to Washington, and that condition was prevailing at that time all over the entire State.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. FORT. I have been trying to get time to tell the story to which the gentleman refers, but it is impossible on account of the filled schedule. I do want at this point to confirm what the gentleman has said and to say that in all of my experience during, before, and since the war I have never seen a finer example of emotional, unselfish, patriotic spirit than was shown by the people of the State of Arkansas, both at the time of the great shortage of wheat and at the time of the great shortage of sugar. [Applause.]

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RAGON. The people of my State are not going to ask somebody to help them unless they have to. Then came on the matter of the garden and fall pasture seed, and that has been the salvation of that State. We had those organizations; and then the Red Cross came into the picture and began to supply funds with which to buy this garden and fall pasture seed. Our people went out and planted them, mostly turnips. I say to you frankly that I never got as tired of eating turnips and turnip salad in all my life as I did then, because you would find it on every table, even in southeast Missouri. That much has been done through social and charitable organizations in Arkansas. The legislature met in regular session, I think it was somewhere about the 8th or 10th. The legislature has done everything that it could to assist in this awful crisis. Here is what we are up against, as you can very well see. We are up against a reduced revenue. Whenever you paralyze farmers and they become unable to meet their obligations in revenues which they owe to the State, the State revenues necessarily fall off.

Some one yesterday mentioned the fact that \$15,000,000 had been voted by the House of Representatives of the State of Arkansas in order to help these people. I want to be frank with you if I am anything. I do not think that bill has any chance of passing, and I do not think it ought to pass for the simple reason that I know that the people of

Arkansas can not stand that extra burden of taxation. We have recently had to so manipulate our laws as to take the high tax burden off the real estate of that State, and if you put an additional \$15,000,000 burden on the people in taxes, I say to you that you will see one-half to two-thirds of the property of that State go under the hammer for taxes. To sustain that point there is already pending in the Arkansas Legislature resolutions to call upon the people of the State as a patriotic duty, those people who are able to do it, to come in on a certain day in February and in March and pay their taxes, in order that those who are not able to do so may have their tax payments extended from April to October. I do not believe in my district there is a county where to exceed two-thirds of the taxes on real property will be paid at tax-paying time. With conditions like that I do not see how any relief can come in this manner, and I do not believe the senate will pass such a bill, nor do I believe the governor would permit it to become a law.

We have there a big road program. I heard Mr. MacDonald before the Committee on Appropriations the other day say that the State of Arkansas had appealed to them for certain funds, and that for certain reasons they had declined it because it was an emergency fund. The State immediately wired back to give them the emergency fund to put on the concrete, improved highways, and it would take the funds that it has to match the Federal fund and put it on grading of secondary roads so as to provide work for unskilled labor.

These are the conditions, and I have just one more comment to make, and that is upon the way that we are meeting these conditions. As I said a while ago, no one wants to criticize the Red Cross. I say frankly that the money that they have at their disposal, if it is properly administered—and I have no doubt that it will be—in the manner it is going now, will not prove sufficient aid to meet the situation. Arkansas has the center of the stage right now, but do not think that you are not going to hear from Kentucky and Oklahoma. Before the sun goes down on February 10 you will be feeding one-fourth of the population of the State of Arkansas, or 500,000 people, and I was reliably informed by a distinguished gentleman from Kentucky the other day that you would be feeding 500,000 more people in Kentucky before February 10. That makes 1,000,000 people you have to feed in those 2 States alone out of the 21, and you are going to feed them because that is what you want to do.

I have not taken into consideration Tennessee; I have not taken into consideration Oklahoma or Indiana or Ohio or the other States where the Red Cross is providing food and clothing to-day.

My friends, did you catch in the argument yesterday the amount that it is proposed to give these people? Do you know that it is proposed to provide three meals a day per person, to be bought and paid for at the rate of 2.79 cents per meal? Do you also know that we all voted for and supported a bill that paid for the meals of convicts in the Federal penitentiaries 29 cents a day? We propose, my friends, to feed these American citizens who contributed the best bone and blood and sinew for the preservation of that flag, and then scraped the last grain of sugar from the sugar bowl and the last dust of flour from the flour barrel to sustain the morale of those boys who had been sent over there, at the rate of less than 3 cents a meal? Do you mean to tell me they are mendicants of so low order that the people of the United States can not afford to pay over 3 cents a meal for?

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. RAGON] has again expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Arkansas two additional minutes.

Mr. RAGON. Now, gentlemen, I want you to think this over.

Mr. GLOVER. Will the gentleman yield?

Mr. RAGON. Yes; briefly.

Mr. GLOVER. Is it not true that this organization which the gentleman has spoken of, in many instances, as in Gar-

land County, gave one day's wage each month to a fund for the aid of and to feed those who can not get it through the Red Cross?

Mr. RAGON. Certainly.

Much to my astonishment I saw in the record of the hearings before the Committee on Appropriations the statement that this was the prevailing food requirement for those people. I can not speak about the eastern plantation district of Arkansas. They may be speaking the truth about some remote and selfish mill owner. That may be the way he feeds his men, because as you will find everywhere we occasionally find men who would like to work them as peons and slaves if he could. But I live in a section of the small white and colored farmer, and they are not accustomed to any such miserly feeding as that.

I know this much about the rules in Arkansas and I say that the ordinary share that is paid is \$1 a month per acre for the tenant farmer. In other words, if a man has a family and he is cultivating 20 acres of land he is entitled to \$20 a month for his food and his clothing. If they do not believe that, let them step over to the man who directs the extension forces of Arkansas and find out.

My friends, those are the conditions. I know we are all impelled by the same heartbeats for people in poverty. I know that neither side of this House has a monopoly upon sympathy for these people. The only time I have ever found this Congress to go wrong was when it did not understand a situation. I do not stand here as the critic of anybody. I say to you that when you do understand it you will come to the rescue. Whenever you stop to think that this poverty-stricken condition will not end in the drought-stricken area until after April 15 instead of March 1, you have something to consider that has some extremely serious aspects. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MURPHY. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and members of the committee, I have asked for this time for the purpose of making some general observations of my understanding of the rules of the House, and partly to reply to some statements made, both on the floor of the House and in a radio speech that was made last Saturday night, by the gentleman from Georgia [Mr. CRISP], which, in my judgment, were an unwarranted criticism of the rules, and especially of the Rules Committee of the House.

The rules of the House of Representatives really need no defense by me at this time. They are not the product of the mind of any one man, or the minds of any set of men. They are not the product of any one Congress or any two or three Congresses. They are the result of the growth, development, and legislative experience in this House of 150 years, until at present time they can meet any emergency that can arise in our complicated legislative system.

In the beginning when our forefathers were setting up this Government, in their wisdom they separated it into three distinct, integral parts—the executive, the legislative, and the judicial. In forming plans for the legislative procedure they early adopted the proposition of consideration of legislation by committees, and later by the House itself. As soon as there was any general development under our political system they adopted the principle of party control and party responsibility. In the early days they did not need very many rules. The membership of the House was limited. At that time a great many of our people believed in State rights, and they did not think they should carry every one of the local propositions to the American Congress. The population of the country was limited and at that time they had ample time to discuss freely on the floor of the House all of the propositions that were before the House.

At a later time, as the membership increased, the population increased and a greater number of propositions came before Congress for consideration, they discovered it was absolutely necessary to change the rules of the

House of Representatives. The calendars were becoming crowded. It was impossible for the House to do the things that the House wanted to do. There was no provision in the rules whereby the House could take up important measures and leave unimportant measures until a later date, and it was to remedy that situation in which the House found itself that along about 1890 additional powers were given to the Rules Committee of the House. At that time the Rules Committee was given power to take out of this tangled mass of legislation that was on the calendars of the House individual pieces of legislation that the House wanted to act upon and recommend to the House that they should take up that piece of legislation at a certain time.

But keep in mind, my friends, that the only power which was given to the Rules Committee at that time was to recommend to the House certain procedure or to take certain bills off of the calendar and give them a preferred status or, as we say, give them a privileged status before the House so that the House may have an early opportunity to pass upon them. Never by one single paragraph in that manual, not by a single sentence or a single word, as far as I know, has this House ever given the Rules Committee any substantive power to control legislation. It has not given the Rules Committee any substantive power to defeat legislation. This House has never given that to any individual committee, and, in my judgment, it will never give that power to any individual committee. The Rules Committee is not a legislative committee. It is very largely a procedure committee, and in latter days it has been considered, to a certain extent, a political committee; and that has always been recognized by both parties when in control, because a majority party has always had a larger membership on the Rules Committee than any other of the standing committees.

If I understand the function of the Rules Committee of the House, it is to act in harmony with the majority sentiment of the majority of the House of Representatives. It is to act in coordination and harmony with the steering committee of the House. It is the duty of the Rules Committee, as I understand it, to act, as far as possible, for the protection of the administration and the administration program of legislation. If I am wrong in that assumption, then I do not understand the rules nor the reason for having a Rules Committee in the House.

The Rules Committee spends more time in getting the opinion and sentiment of this House than any other committee in it. We always have our Members with ears and eyes open trying to find out real facts that are back of any controversial piece of legislation, for the purpose of ascertaining the real sentiment of the Members in regard to it.

There has never been a time since the gentleman from New York has been chairman of that committee when there has been an important controversial piece of legislation before it that he has not gone personally to the Republican whip and asked him to canvass the House on the question in hand for the guidance of our committee and also had a great many other individual Members from different sections of the United States canvassing the sentiment of the Members of their parts of the country, and, as far as possible, we have tried in our official capacity to fairly represent and reflect that sentiment, and the best proof I can offer you for the truth of that statement is, as far as I can now remember, that there has never been a single recommendation of that committee since the gentleman from New York has been chairman turned down by the House of Representatives.

There is no business organization in this country but what has a responsible head. There must be somebody who takes the responsibility of the conduct of that business and the responsibility for laying out its policy. In a business organization the president and board of directors make that policy. The general policy of a business is not made by the stockholders of the organization; it is made by its board of directors. But if the president and the board of directors do not lay down a policy that is satisfactory to the individual stockholders then they change the board of directors.

Just so in a legislative body, some one must take the responsibility. In this House the Republican majority have placed that responsibility on the Speaker, majority floor leader, the steering committee, and the Committee on Rules, and we accept that responsibility. When the time comes that that leadership does not reflect the sentiment of our side of the House they know how to change it and they will do it without any Democratic assistance. But why are you Democrats so disturbed and so worried over the Republican leadership? You are not responsible for it. Furthermore, I maintain the present Republican leadership has done more to enhance the reputation of this House than any similar time under Democratic leadership in our entire history.

Originally under our rules the Speaker of the House was in absolute control when he appointed the committee and he himself was chairman of the Rules Committee. At that time you could definitely point your finger at one man who was responsible for the legislation in the House of Representatives. But since that time that authority has been split up and divided among several Members of the House. A part of the authority is with the committee on committees, with the Republican steering committee, and with the Republican members of the Rules Committee, as far as the majority side is concerned, and on the Democratic side that responsibility at the present time rests with their members on the Ways and Means Committee, and you could not divide authority much further and have some one really responsible.

In the Sixty-fifth Congress the Democrats were in absolute control and some of us were here at that time and know how they did things. The gentleman from Texas [Mr. GARNER] and the gentleman from Georgia [Mr. CRISP] were at that time leading Members of the majority of the House, and is there any Member on the floor at the present time who can point to any time or place when either one of those distinguished gentlemen rose in his might and declared for more liberalization of the rules of the House of Representatives? [Applause.]

The gentleman from Georgia, in his statement the other day, said that he would advocate changes in the rules if he knew his own party was going to be in control of the next House of Representatives. It was easy for him to make that statement. He knows his own party will not organize the next House of Representatives. [Applause.] Furthermore, I want to place this question before him and the other Members of the House: Is there anybody here so simple or so childish that in his own heart he believes that if the Democratic Party had a clean majority in the Seventy-second Congress of 10 or 15 Members you would ever find the gentleman from Georgia or the gentleman from Texas, or any other leading Member on that side of the House, rising in his seat at this time and demanding a liberalization of the rules?

Mr. CRISP. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. CRISP. The gentleman flatters me by saying I am one of the leading Members, but I say here that I have said for many years that I believe the rules should be such that 100 Members of this House shall have the right to vote on any matter of public importance, and I favor it whether my party is in power or is in the minority, and I think there is a good chance of my party being in power in the next Congress. So I am generous in advocating it now. I say to the gentleman that in my judgment if he and other certain Republicans do not yield to a material liberalization of the rules his party will not be in power in the Seventy-second Congress. [Applause.]

Mr. SNELL. Can the gentleman point to a time when he ever introduced such a rule when his party was in power?

Mr. CRISP. I came to the Sixty-third Congress, and in the Sixty-eighth Congress I advocated a discharge rule.

Mr. SNELL. Was the Democratic Party in power then?

Mr. CRISP. No.

Mr. SNELL. That is what I said, when they were in power. I asked whether the gentleman can make the statement that he proposed that when his party was in power,

or whether any Member on his side proposed it? Of course, he can not, and he well knows it.

Mr. LEHLBACH. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. LEHLBACH. The Democratic Party was in control in the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses, and the gentleman from Georgia was a Member of those Congresses.

Mr. SNELL. Yes; but he was not anxious for a change of the rules then.

I made a statement a while ago with respect to a speech made by the gentleman from Georgia [Mr. CRISP], which was distributed among the Members of the House; at least I suppose it was distributed among the Members of the House because I received a copy of it.

Mr. CRISP. If I may be permitted, I did have it sent to each Member of the House, and will send it to the Members elect.

Mr. SNELL. The caption of this speech reads as follows:

Liberalizing the rules of the House, destroying the autocratic power of the triumvirate—the Speaker, the majority leader, and the chairman of the Rules Committee—Making the Rules Committee the servant and not the master of the House.

This caption, in my judgment, is truly prophetic and fairly represents the entire speech. About three-fourths of the first line has to do with liberalizing the rules of the House and the other four and a half lines are for the distinct purpose of criticising the majority leadership of the House.

Our friends on the Democratic side of late are having a great deal of trouble about the triumvirate on the Republican side of the House. Let me call your attention, gentlemen, to the fact that instead of a triumvirate on your side, if there is such a word you have "oneumvirate," and the best part of it is he makes you like it; and there is not a single one of you who dares to raise his voice above a whisper in opposition to the czarlike rule of the leader of the minority at the present time.

If there was ever a time when it was truly applicable under present conditions to use the statement, "gentlemen living in glass houses should not throw stones," it is now. You should clean up the organization on your own side before you spend any time cleaning up ours. [Laughter and applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. KNUTSON. Is not it a fact that during the time that Mr. Wilson was President Congress was merely a rubber stamp and was at all times subservient to his will?

Mr. SNELL. I am willing to accept that.

I have wondered what there is back of this speech. I have tried to find some reason for it, and the only reason I can find is that the Democratic minority is peeved on account of the fact that its harassing tactics have not broken down the Republican legislative program. [Applause.]

Let us now see what are the changes suggested. The first criticism the gentleman from Georgia makes in his change of the rules is relative to meetings of committees. It will not be necessary, I guess, to read what he said, as everyone is familiar with it.

If I understand the rules of the House correctly, there is not a single thing in the rules that prohibits the majority members of any committee of the House doing every single thing that the gentleman from Georgia wants to have done. The gentleman can not get into any argument with me about giving the right to a majority, whether it is in the committee or in the House, to do anything that it wants to do. I always stand for majority rule, but the people criticising us want minority rule. I am perfectly willing that a majority of the members of any single committee shall have just as many meetings as they want and whenever they want, and as far as I understand the rules there is not a single thing in them that prohibits the majority of any one of the standing committees of this House passing rules that the committee shall meet any day they want to or every day in the week, and as far as I am concerned I am not opposed

to this. And let me say to the gentlemen from Georgia and to the gentlemen on the minority side of the House that the Rules Committee, which they claim is the most autocratic committee in this whole House, presided over by the most autocratic chairman, does not have any general meeting day, but we have more meetings every year than any other committee of this House; and, furthermore, we have a larger percentage of our members in attendance at every meeting, and the chairman has never refused to call a meeting, even at the request of a minority of the committee, and he has done so several times at the request of one minority member. We are always willing to have a meeting of the Rules Committee and meet any proposition that comes before the committee.

The gentleman from Georgia placed most stress on the discharge rule. This is probably the most important recommendation that the gentleman from Georgia has made.

The present discharge rules require that a majority of the Members of the House shall sign a petition, to start with, that a majority of the Members of the House must support this by a teller vote, and that a majority of the Members must vote to discharge. The gentleman from Georgia proposes that 100 Members signing the petition will bring the matter before the House, and a majority of the Members present, a quorum being present, can discharge the committee, and, in general, bring the matter before the House.

My friends, I am not going to try to deceive any man in this House in regard to the present discharge rule. I know that it is a hard rule to work and it ought to be a hard rule to operate. When you discharge a committee from the consideration of the bill it is one of the most drastic methods of procedure this House has ever undertaken, and it is always a very controversial and a very important piece of legislation.

We have always adopted the procedure of having legislation first considered by a committee, and the committee report the same to the House with its recommendation, together with the reasons why the legislation should be passed or should not be passed. The House itself, under our system, largely depends on the report and the facts that have come out in committee hearings and the committee decision, and unless you want to change our whole system, unless you want to make confusion confounded on the floor of the House of Representatives, you should not change a part of the system. When you change the present procedure rule to the petition system—and there is no one in the country that should be so opposed to the petition form of legislation as Members of Congress—you deliberately break down party control and responsibility and establish a bloc system, which every one of you have openly condemned. When you advocate control of legislation by the 100-petition plan, you advocate the turning of the normal, logical, orderly procedure of the House into a town meeting. Do not advocate something former experience has proven you can not do.

It is possible some Members may think that you should use the discharge rule more often than I do and want to make it some easier to work, but I am sure the common sense of this House will not allow you to use this new discharge rule against the Rules Committee and thereby destroy the very purpose for which the House itself created the Rules Committee, namely, to enable it to function as it wanted to at all times.

Why, the best evidence I can bring before this House as to the real reasons why we should not change the discharge rule, why we should not make it easy to get matters onto the floor of the House that do not have the honest backing of the committee, is the exhibition that took place in the House day before yesterday. [Applause.]

There was a controversial piece of legislation that was forced on the House by propaganda and against the honest conviction of members of the committee that considered it—and I consider myself partly culpable in this matter. That was never the honest view of the Committee on Interstate and Foreign Commerce when they put the legislation out. They "passed the buck" to the Rules Committee and we did not propose to stand for it.

The statement of the gentleman from New York [Mr. O'CONNOR] the other day is pretty near true, as far as the Rules Committee is concerned. We did not propose to take the responsibility and allow the individual Members to go back home and say, "We were for the legislation, but this autocratic Rules Committee would not give it to us." And the gentleman from Georgia says for the benefit of our constituents we should vote on all these controversial matters. I want to know how much information the people of Georgia received from the vote of the Georgia delegation on the Capper-Kelly bill on Thursday? You can not write legislation on the floor of the House and it has been demonstrated time and time again.

Now, let us see something about the liberal discharge rule that was in vogue in the House of Representatives in the Sixty-fifth Congress, when the gentleman from Texas [Mr. GARNER] and his spokesman, the gentleman from Georgia [Mr. CRISP] were in control.

Let me read the real joker in the discharge rule. It starts out pretty good. Here is the real joker:

All such motions shall be entered in the Journal and printed on a calendar to be known as the calendar of motions to discharge committees.

Here is the good part of it:

After the Unanimous Consent Calendar shall have been called on any Monday and motions to suspend the rules have been disposed of, it shall be in order to call up any such motion which shall have been entered at least seven days prior thereto.

When did you ever know the Unanimous Consent Calendar to be exhausted, and if it was, how long would it take the Speaker to recognize some one to suspend the rules on some innocuous bill? Here is another joker:

And no such motion shall be entertained as to a bill or joint resolution, the title of which contains more than 100 words.

That is the discharge rule of the members of the minority when they were in absolute control of this Congress. Not a chance in the world to use it and everyone knew it. Now, are these gentlemen more politically honest than they were in the Sixty-fifth Congress? Are they more interested in giving information to their constituents than they were then? I do not know; and I will leave that to you to answer.

Here are other specific charges made by the gentleman from Georgia. He criticizes the passage of the tariff act. I really thank him for this, for it gives me another chance to show how mistaken he is in his facts. I want to read you what he says about it:

The indefensible Smoot-Hawley Tariff Act was passed under a gag rule. The bill contains 434 pages, of which only 4 pages were read to the House for amendment, and of the 727 paragraphs, only 6 were read and considered.

The gentleman from Georgia knows better than the average man in this House that it is absolutely physically impossible to pass a general tariff revision without a special rule or to bind the Members of the majority by a caucus rule. In all the history of this Congress there has never been one passed by the Democrats or the Republicans under any other system, and he well knows there never will be.

According to your own statement here, if it takes six or seven days to read 4 pages, how many would it take to read 435 pages? Furthermore, if you pass a tariff bill without any restrictions, then every man in this House knows that it would take the entire session of Congress to consider one, and it would be impossible to consider any other legislation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MURPHY. Mr. Chairman, I yield the gentleman 20 minutes additional.

Mr. SNELL. Here is another statement that the gentleman made about consideration of the last tariff bill:

Under the House gag rule the House disposed of all but seven of them in a block by one vote. The triumvirate permitted the House to vote individually on only seven of the Senate amendments. Can any red-blooded, patriotic, unbiased citizen stand for such things?

Here is another time when, if the gentleman had taken a little time to get some information, he would have found

that he was entirely wrong. The facts of the matter are that here was once when we had a Republican conference on the consideration of a tariff bill, and the rule that was presented or that the chairman of the Committee on Rules had in mind was thrown out of the window, and he reported to the House the rule that he was directed to report by the Republican conference by almost a unanimous vote.

The gentleman finds a good deal of fault with the Rules Committee with regard to the Muscle Shoals conference report. I would like to have the gentleman tell me where the Republican Committee on Rules has any control over the conferees on any legislative question?

Mr. CRISP. Does the gentleman desire me to answer him now? I hope to answer the gentleman later.

Mr. SNELL. It does not make any difference to me when the gentleman answers me.

Mr. CRISP. Then I shall do it now. I think the Rules Committee has the matter absolutely within its power to give the House an opportunity to deal with these conferees. After my speech on the floor of the House, the gentleman from Texas [Mr. GARNER] introduced the resolution that I used as an example, and it is now pending before the Rules Committee. If the Rules Committee will report that resolution to the House, and it is privileged, then, if the House wants to, it can adopt it, and its adoption would discharge those conferees and direct the Speaker to appoint new ones.

Mr. SNELL. There are 52 or 58 other resolutions of similar character before the Rules Committee at the present time. If the Rules Committee should start absorbing authority over legislative committees of this House, there would be real reason for the House rebelling against the authority of the Rules Committee. The gentleman knows very well, as every other Member of this House knows, that we have never tried to dictate to legislative committees, and if we did try it, there would be real reason for criticizing the members of the Rules Committee, and some of the first to criticize the Rules Committee would be some of the gentlemen to whom the gentleman from Georgia made reference. It is not one of our functions, and everyone knows it.

Further on in his speech the gentleman from Georgia refers to the supreme control of the Rules Committee on measures before the House. I read exactly what he said:

Under our present code of rules, the Rules Committee is in supreme control, the dictator, as to what measures the House shall be permitted to consider. It duly executes the decrees of the triumvirate.

I am surprised that a gentleman with the experience in the House of Representatives and the knowledge of the rules that the gentleman from Georgia has should make such a statement. He evidently forgets that every one of the important general appropriation bills from the Committee on Appropriations comes on the floor without regard to the Committee on Rules; that all matters affecting revenues and taxes of the country are privileged from the Ways and Means Committee; that certain bills are privileged from the Rivers and Harbors Committee, the Public Lands Committee, the Committee on Accounts, and two or three other committees which can report privileged legislation to the House.

But in addition to that, he forgets that one day in every week is Calendar Wednesday and that any committee that has the call can bring before this House any legislation it sees fit to on that day, and the Rules Committee has nothing to do with it.

To prove what I say I want to give now just a few figures on what has happened during the Seventy-first Congress up to the beginning of the third session. Up to December 1, 1930, there were 927 measures passed in this House. There were 40 special rules granted, and several of them were for investigations that have not been considered, and some for one reason or another were not presented. Only 22 pieces of legislation in the first two sessions of the Seventy-first Congress were ever considered under special rules. That is less than 3 per cent of the legislation passed, and up to this time during the present session only two pieces of legislation have been considered under special rules. Is the gentleman's statement true or not?

Mr. KNUTSON. M. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. KNUTSON. And while the minority was in control of the House practically everything was considered under special rules.

Mr. SNELL. I am speaking of what has happened that I know definitely about and which no one can dispute. The gentleman from Georgia in his speech several times referred to gag rules. I wish some one would tell me how a majority is going to gag itself to do something that the majority does not want to do. If some one can tell me how that can be done, there might be some time that I would like to use it. Every single recommendation made by the Rules Committee of this House must have the majority vote of the Members present before it takes effect. The Rules Committee can not make a start until that is done.

The Rules Committee of this House, as far as it is able, tries to represent fairly what we think is the majority sentiment of the House, notwithstanding everything that has been said against it during the eight years that I have been the chairman of it, as far as I can remember there has never been an unpleasant word uttered in the consideration of all of the controversial measures that have come before that committee. I have been on that committee with the gentleman from North Carolina [Mr. Poul], when the gentleman from North Carolina was over me, with me, and under me; and I say without fear of contradiction that probably I have no better friend in the House of Representatives than the ranking Democrat on the Rules Committee, the gentleman from North Carolina [Mr. Poul]. I admit that this is a partisan committee and deals with many political questions, but we have tried to represent fairly the membership of the House and, furthermore, I think we know more about the majority sentiment of the House and what there is back of some of these propositions than many of you gentlemen do.

It is very difficult for a man constituted as I am to take the pounding that the chairman of the Rules Committee receives on the floor of the House, when I know the Member is demagoguing. I know it, because time and time again he has come to me after he has made his statement and said:

"Do not pay any attention to it. I did not mean it, but I was forced into this for political reasons, but for God's sake, you stand up and do what is right."

I know that, and other individual members of this Rules Committee know it. I claim we represent the sentiment and we follow it, and when the gentleman from Georgia [Mr. CRISP] says we would not allow 80 per cent of the Members of this House to express their opinion on some controversial measure I claim that was a statement that was not true in practice or in fact. [Applause.] I want to say in passing that I believe three-fourths of the resolutions coming from the Rules Committee are unanimous reports—Republicans and Democrats. So they must generally fairly represent the prevailing opinion of the House.

The rules of this House do not belong to me. I am intensely interested in the integrity of them. I plead with you, ladies and gentlemen of this House, before you tear down a structure that has been 150 years in the making, that has met every critical issue in our long legislative experience, you at least stop, look, and listen. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. SNELL. Yes. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from New York [Mr. SNELL] has expired.

Mr. MURPHY. Mr. Chairman, I yield five additional minutes to the gentleman from New York.

Mr. BLANTON. The gentleman will admit, because he is fair, that his Committee on Rules has power to present a rule that suspends all rules by its action?

Mr. SNELL. I have never known that. Perhaps I am deficient in my knowledge, but I have been a member of that committee for 14 years and I do not know it.

Mr. BLANTON. Well, except as to preventing one motion to recommit and to do away with Calendar Wednesday.

Mr. SNELL. I said I do not know it. That is the question the gentleman asked me.

Mr. BLANTON. Except as to one motion to recommit and doing away with Calendar Wednesday, can you not bring in a rule here, when, adopted, that suspends all the other rules?

Mr. SNELL. We can bring in a rule recommending that, but the House can accept it or not.

Mr. BLANTON. Every rule you bring in here suspends the rules.

Mr. SNELL. Oh, to a certain extent it does, but it has no power until it is affirmed by a majority vote of the Members of this House. The power is not in the Rules Committee itself and never has been. The power to do that is in the House.

Mr. BLANTON. Now, I want to ask this question: Could not the gentleman's committee, for instance, agree across the table on a resolution, not having been introduced through the basket, for instance, to suspend all immigration, and could you not present a rule and bring that proposal in here under a rule for consideration?

Mr. SNELL. No; we could not, because we do not have jurisdiction over immigration matters.

Mr. BLANTON. But the gentleman's committee has the power to do it?

Mr. SNELL. No, we have not, and the House would not stand for assuming any such power.

Mr. BLANTON. I will show that in my time, because I have some time granted me under the District appropriation bill. I am going to show that.

Mr. SNELL. The gentleman probably knows more about the powers of the Rules Committee than the chairman.

Mr. BLANTON. I know something about them, and I am going to show by the rules themselves that such power exists, and by the records that it has been exercised.

Mr. SLOAN. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. SLOAN. Historically speaking, is it not just one generation from the first great struggle on rules when we first heard about gag rule? Is it not a fact that the great Speaker, the Representative from Maine, was beaten by propaganda from the country on account of his method of procedure under rules of this House, and when he was defeated a very eminent and a very able man succeeded him, and in the course of a few months he resorted to the same method of procedure, counting a quorum, and so on, that his distinguished predecessor, Speaker Reed, had been doing?

Mr. SNELL. Yes; and that gentleman, a great Speaker and the father of the present distinguished gentleman from Georgia [Mr. CRISP], had the strictest rules of any Speaker in recent years, and his son helped him enforce them.

Mr. CRISP. I would like to get some time to answer the gentleman from New York, if I can.

Mr. ANDRESEN. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. ANDRESEN. The gentleman has said that on account of our system we functioned by committees. I refer particularly to committees which report bills out that go on the Private Calendar. Why is it that the leadership does not follow out the general rules of the House with reference to bills on the Private Calendar, rather than to permit some demagogue in the House to object and stop the consideration of a bill that has been reported unanimously by a committee or by a majority of the committee?

Mr. SNELL. Of course, there are always propositions before the leadership of the House to decide which is the more important at the time being. Whether it is a matter of public importance or a private measure. Perhaps they are sometimes wrong in their decisions, but as a usual thing they feel that as far as time permits we should take up the important public measures in preference to Private Calendar bills.

Mr. ANDRESEN. If we would follow out the rules, there would be a Private Calendar call on Friday, and every bill would be voted on on its merits.

Mr. SNELL. If we followed out that rule, we would not get very far and some important public business would be delayed, and as far as I know we have never adjourned because we did not have anything to do.

Mr. ANDRESEN. Would it not be well to abrogate that rule?

Mr. SNELL. That depends entirely on what the majority desires to do.

I thank you, gentlemen.

Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. CRISP. Can the gentleman from Louisiana [Mr. SANDLIN] give me some time?

Mr. SANDLIN. I am sorry, but I have promised all the time.

Mr. CRISP. In fairness it looks to me that I should be allowed to have time to answer the gentleman.

Mr. SANDLIN. I have promised the time to other gentlemen. I regret it very much, but I certainly would be unfair if I yielded time to the gentleman, unless the other gentlemen agree to it, if I took the time away from them.

Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to invite attention to the words of warm commendation by the chairman of the Committee on Appropriations [Mr. Wood] on yesterday of President Cleveland's veto message in 1887. I invite the attention of the House to the vote on that veto message, which will be found on page 1876 of the Record of February 17, 1887.

I find among the distinguished Republicans who voted to override the veto upon that occasion Boutelle, of Maine; Joseph G. Cannon, of Illinois, afterwards Speaker of the House; Gallinger, afterwards a distinguished Senator; Goff, also, I think, afterwards promoted to the Senate; Grosvenor, from Ohio, a distinguished Republican; Hale, from Maine, afterwards promoted to the Senate; D. B. Henderson, from Iowa, afterwards Speaker of the House; Hon. William McKinley, afterwards President of the United States; Plumb, of Kansas, who was afterwards promoted to the United States Senate; Thomas B. Reed, of Maine, who was not only then the leader of the House but afterwards Speaker of the House; Warner, of Missouri, who was afterwards promoted to the United States Senate; and also J. B. Weaver, of Iowa, one of the leading Republicans in the House at that time.

It appears, therefore, that the leading Republicans in the House at the time did not commend the position of the President as warmly as the present chairman of the Committee on Appropriations does now.

Mr. SANDLIN. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. MANSFIELD]. [Applause.]

Mr. MANSFIELD. Mr. Chairman, on the 4th day of December last a bill was introduced in the Senate by Senator SHIPSTEAD, providing for a bond issue of a half-billion dollars, or so much thereof as may be necessary, to insure the early completion of our waterway-transportation system.

On December 5, 1930, I introduced the same measure in the House. The Senate bill is No. 5082, and the House bill No. 14564. It has been referred to as the Shipstead-Mansfield bill.

Senator SHIPSTEAD carefully prepared this measure along the lines of the Panama Canal bill, and its purpose is to guarantee completion within about five years of all waterway-navigation projects having congressional approval. This would include ports and harbors; inland waterways, both river and canal; intracoastal and connecting waterways, connecting channels of the Great Lakes; and a 27-foot ship channel on the St. Lawrence from Lake Ontario down to the point where the river passes wholly within the jurisdiction of Canada.

The bill does not authorize any increased indebtedness, expenditure or obligation of the United States. The expenditures to be made under it would eventually be made anyway, as they are to be confined to projects having congressional authorization. The chief purpose of the bill is to give to the people the early use of these waterways, and at less actual cost of construction than would be possible if the work were permitted to drag through a long period of years, as has been the custom.

Conservative estimates have shown that on account of the "dribbling policy" that was pursued with reference to many of our inland waters, the cost of improvement has been increased at least 40 per cent. The most notable examples of this policy are to be found in the Ohio River and the lower Missouri River improvements.

These rivers in a way were under navigation more than a hundred years ago. Congress commenced their improvement in an early day, though a comprehensive plan was not adopted until 1910. At that time a 9-foot channel was adopted for the Ohio from Pittsburgh to Cairo, to be obtained by locks and dams, and a 6-foot channel for the Missouri below Kansas City by dikes and revetments.

Congress also attempted to fix a time limit for the completion of these projects, the act fixing a period of 10 years for the Missouri and 12 years for the Ohio. Now, after a period of 20 years, both are still uncompleted, though the Ohio was formally opened to through navigation in 1929. The last Annual Report of the Chief of Engineers shows the Ohio now to be "practically" completed, and the Missouri 70 per cent completed.

The estimates of cost for these projects in 1910, if completed within the time limits fixed, were \$63,000,000 for the Ohio and \$20,000,000 for the Missouri. The expenditures actually made since then, under the "dribbling" policy carried out, have been approximately \$100,000,000 for the Ohio and a little over \$39,000,000 for the Missouri.

Within the past few years the work has been prosecuted vigorously, but for many years previously the appropriations were insufficient even to salvage uncompleted structures begun under previous appropriations. Millions of dollars were used for mere salvaging purposes and for maintenance of idle and costly equipment. Under a bond issue, as now proposed, the Ohio and lower Missouri River improvements could easily have been completed in time for their use during the World War, and at a cost reasonably within the estimates made in 1910.

Aside from relieving congestion and relieving the people from excessive freight rates, our principal rivers, properly improved, would also constitute a great military asset in time of war. The railway congestion that existed at the time of our entry into the World War should still be fresh in the minds of the people. All railroads leading to the port of New York and other important ports, as well as all port terminal facilities, were blocked for many months with several hundred thousand cars loaded with munitions of war which could not reach the docks for shipment overseas.

This was the condition that rendered Federal operation of the railroads necessary. If the Ohio and lower Missouri projects had been completed and open to commerce at that time, this congestion would not have occurred.

The lower Mississippi was in a way open to navigation at the time of the war, but practically all floating craft had been driven from it under the long and relentless war of the railroads. All available equipment was taken over and assembled by the Government. One of the first cargoes to reach tide water was a flotilla of flat boats, towed by the steam tug *Sprague*, from Cairo to New Orleans.

This cargo contained 56,000 tons of coal for the Navy and merchant ships engaged in overseas service. The fleet that carried it covered 12 acres of water, and it was the largest cargo ever propelled under a single power in any country or upon any water. It constituted more than 11 ocean ship cargoes of 5,000 tons each. This is a fair illustration of what can be accomplished on our rivers.

When the 1910 river and harbor bill, embracing the Ohio and Missouri River projects, was under consideration in the Senate, Senator Burton, doubtless our foremost authority on river and harbor matters, fought the bill with all the vigor he possessed. His minority report in the Senate against the bill contained this apt declaration:

The most glaring defect in methods as exemplified in the bill is the "dribbling policy" of making partial appropriations for a multitude of improvements without provision for completion.

As viewed in the light of subsequent history, that statement is indeed prophetic. Senator Burton of course, did

not contemplate a bond issue to guarantee the early completion of the Ohio and Missouri river projects. He wanted them eliminated entirely, doubtless believing they would never be completed under the provisions of the bill.

While the bill contained a declaration for their completion in 12 and 10 years, respectively, yet there were no means provided to enforce it. The financing was to be left to the future Budgets and future Congresses. Under a like provision the Panama Canal might not yet have been completed.

The engineers report that we now have authorized and uncompleted projects aggregating about a half billion dollars. Other projects are being added by each recurring river and harbor bill, adding probably from thirty to forty million dollars annually. It also requires approximately \$20,000,000 a year for the maintenance of our ports and navigable waters, and each succeeding project, upon completion, adds to this maintenance cost.

Our annual appropriations in recent years for all these purposes combined have been ranging from fifty to sixty million dollars. If we are to be limited to these amounts, one-third of which is to be first deducted for maintenance purposes, it is very evident that it will be many years before practical navigation can be extended to our major inland waters.

Included in our uncompleted authorizations are such important projects as the deepening of the connecting channels of the Great Lakes; the Illinois River connection with Lake Michigan; intracoastal waterways, Atlantic and Gulf; and such important rivers as the Tennessee, the James, the Allegheny, the Kanawha, the upper Mississippi, and the upper Missouri.

These projects alone involve ultimate expenditures of over \$300,000,000 and embrace more than 2,000 miles of navigable channels. Other equally important rivers may soon be added. The question is, How long are we willing to wait for the completion of these waterways and what price are we willing to pay for the delay?

We are now confronted with a renewed fight from the railroads, which seemed to have been dormant for several years. It was railroad influences principally that delayed the Ohio and Missouri River improvements. The railway executives are now more thoroughly organized than ever before in their fight against inland water transportation. Announcements to this effect have recently been made by a number of them. Their power and influence are as great as they have ever been.

A number of briefs and letters of protest against this bill, evidently prepared under the direction of railway authority, but purporting to emanate from other sources, have recently been sent out, quite a lot of which has been mailed to members of Congress. The railways, of course, hope to defeat the bond issue, and then have reduced to a minimum the annual appropriations for river and harbor improvements. If successful, there will be but very little money available from year to year to be expended on our major inland waters.

Mr. W. R. Dawes, president of the Mississippi Valley Association, in a speech in St. Louis on November 24, last, quotes from a speech recently made by Mr. Elisha Lee, vice president of the Pennsylvania Railroad, upon the waterway question. Extracts are as follows:

From this time on, if I correctly interpret the spirit of my colleagues, there is to be a change in the air. The railroads, their stockholders, their employees, and the managements have rights and we are going to fight for them with the best that is in us.

Further, he says:

There are ways in which business itself has repeated opportunities to lend the railroads greatly needed help. A most important one would be by concertedly refraining from efforts to pull down specific rates for competitive advantage. Still another would be by registering disapproval of competition against the railroads which is not self-sustaining or depends on subsidies.

These declarations mean, of course, that the railroads propose to organize their stockholders, owners, and employees, as well as business interests generally into their common

cause. If they succeed it will, of course, have a tremendous weight and influence.

Our inland waterways have had a hard battle from the beginning. Practically all of the early canals fell into the hands of the railways and were junked. Various courses have been pursued by the railroads with reference to river transportation. In some instances steamboats were purchased by the railways and soon scrapped. In others cut-throat rates were applied which made it impossible for the boats to compete. Such cutthroat rates were frequently far below the actual cost of transportation, but the railroads doubtless soon made it back, with interest, after killing off the competition.

In 1907 President Roosevelt appointed a distinguished commission known as the Inland Waterways Commission to investigate and report a comprehensive plan for the improvement of our rivers. The late Senator Burton, then a Member of the House and chairman of the Committee on Rivers and Harbors, was appointed chairman of this commission. The other members were Senator Newlands, Senator Warner, Senator Bankhead, Gen. Alexander MacKenzie, Mr. W. J. McGee, Mr. F. H. Newell, Mr. Gifford Pinchot, and Hon. Herbert Knox Smith.

It would be hard for anyone to select a more competent commission for that purpose or one more free from prejudice toward the railroads. Our river transportation, which had previously been of large proportions, was at that time at perhaps its lowest ebb in our recent history. This act of President Roosevelt was the beginning of its renaissance, and it has ever since been on the upgrade—chief credit to Mr. Roosevelt. After making a thorough study of the rivers of this country and of Europe, the commission made its report. The message of President Roosevelt in transmitting this report to Congress contained the following characteristic statements:

Our river systems are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the nation as those of the United States. In view of the use made of rivers elsewhere, the failure to use our own is astonishing, and no thoughtful man can believe that it will last. The accompanying report indicates clearly the reasons for it and the way to end it.

The commission finds that it was unregulated railroad competition which prevented or destroyed the development of commerce on our inland waterways. The Mississippi, our greatest natural highway, is a case in point. At one time the traffic upon it was without a rival in any country. The report shows that commerce was driven from the Mississippi by the railroads. While production was limited, the railways, with their convenient terminals, gave quicker and more satisfactory service than the waterways. Later they prevented the restoration of river traffic by keeping down their rates along the rivers, recouping themselves by higher charges elsewhere. They also acquired water fronts and terminals to an extent which made water competition impossible. Throughout the country the railways have secured such control of canals and steamboat lines that to-day inland waterway transportation is largely in their hands. This was natural and doubtless inevitable under the circumstances, but it should not be allowed to continue unless under careful Government regulation.

Comparatively little inland freight is carried by boat which is not carried a part of its journey by rail also. As the report shows, the successful development and use of our interstate waterways will require intelligent regulation of the relations between rail and water traffic. When this is done the railways and waterways will assist instead of injuring each other. Both will benefit, but the chief benefit will accrue to the people in general through quicker and cheaper transportation.

The President's message was fully borne out by the report of the Inland Waterways Commission accompanying it. It showed a long list of waterway casualties brought about by the unfair methods of the railroads in their desperate efforts to secure a monopoly of transportation facilities.

This renewed fight of the railroads, coming at this time, when public interest in river improvement is more manifest than it has been in half a century, is unfortunate for the country at large. It is particularly unfortunate for those who reside in the interior and who are at the mercy of the railroads.

Mr. WILLIAMSON. Will the gentleman yield?
Mr. MANSFIELD. I yield.

Mr. WILLIAMSON. It may be I have missed a part of the gentleman's figures, as I came in just a minute or two after he commenced his remarks. What is the total amount proposed in the bond issue your bill provides for?

Mr. MANSFIELD. A half billion dollars, or so much thereof as may be necessary.

Mr. WILLIAMSON. To what extent will that go in completing our river-improvement system?

Mr. MANSFIELD. It will complete all that is now authorized and a little bit more, perhaps.

Mr. WILLIAMSON. About what would be the annual amount required to maintain the system after it is once completed?

Mr. MANSFIELD. It is a little short of \$20,000,000 a year for the maintenance of all completed rivers, harbors, and other waterways at present.

Mr. WILLIAMSON. It costs \$20,000,000 now to maintain what we have?

Mr. MANSFIELD. Nearly \$20,000,000.

Mr. WILLIAMSON. What will it cost annually to maintain the system after it has been completed?

Mr. MANSFIELD. It will be \$25,000,000 or \$30,000,000; perhaps more. I have not had the figures checked up, but it would be \$30,000,000 or more, possibly.

Mr. CULKIN. Will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. CULKIN. I would like to ask the gentleman from Texas whether or not this \$500,000,000 in projects has had the approval of the engineers?

Mr. MANSFIELD. They have all had the approval of the engineers and all have had the approval of Congress and have been authorized.

Mr. CULKIN. Those projects have largely come under the eye of the gentleman from Texas?

Mr. MANSFIELD. Many of them.

Mr. CULKIN. In his judgment they are all sound economically?

Mr. MANSFIELD. I have no doubt of it. As to those that are not sound, the engineers have it within their power under the present law not to allot the money.

Mr. CULKIN. The gentleman has spoken of propaganda being urged against waterways by the railroads. One of the cries is that there is a considerable element of pork in the situation.

Mr. MANSFIELD. Yes.

Mr. CULKIN. That cry, I assume, the gentleman believes is false and specious?

Mr. MANSFIELD. That cry is misunderstood. There may have been pork at one period of our history, but it is not possible under present law.

Mr. CULKIN. At the time the river and harbor bill came in the cry went out to the country from the floor here that there was certain pork in the pending bill, and I assume the gentleman believes and is willing to state that that cry came from Members who were disappointed in not getting certain projects in the bill and from certain uninformed sources.

Mr. MANSFIELD. Absolutely from those who wanted to create a prejudice against it or from those who were thoroughly and totally misinformed.

Mr. CULKIN. The gentleman believes that of this \$500,000,000 in projects little if any of it is unsound economically and that it will result in great advantage to the people if carried out.

Mr. MANSFIELD. It will largely extend navigation throughout the Missouri River, the Mississippi River, the Tennessee River, the Kanawha River, the Allegheny River, and such projects as those which, in my judgment, the people of the United States stand more in need of than any other great internal improvement that can be made.

Mr. CULKIN. I think the gentleman indorsed the economic soundness of the taking over of the Oswego and Erie Canals.

Mr. MANSFIELD. Yes.

Mr. CULKIN. I assume the gentleman is of the same opinion on that proposition.

Mr. MANSFIELD. I have not changed my mind.

Mr. DUNBAR. Will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DUNBAR. Does any of this \$500,000,000 authorization for the improvement of rivers, for which the gentleman is contending, include estimates for the construction of reservoirs on the Ohio and Missouri Rivers?

Mr. MANSFIELD. No; it does not include that. They are matters which would come up under flood control and are propositions not included in this bond issue. This is for navigation only.

Mr. DUNBAR. I admit that more properly it would come under flood control; nevertheless, had we a system of reservoirs in the Missouri and Ohio Valleys it would make the streams navigable almost from the source of the Ohio and the Missouri to the Mississippi River and reduce the probabilities of floods throughout the country.

Mr. MANSFIELD. The gentleman is perhaps correct upon that point, but I have not the time to discuss it in this connection.

Mr. MICHENER. Will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. MICHENER. Of course we have great respect for the gentleman's judgment and consider him one of the best-posted men on the committee. Is it his judgment that if the Government of the United States and the Government of Canada can agree on the St. Lawrence waterway that we may get a favorable report from his committee?

Mr. MANSFIELD. It doubtless would not come before my committee, because that is foreign water. When the Panama Canal was under consideration it was before the Committee on Interstate and Foreign Commerce and my judgment is that the St. Lawrence through Canada would also go to that committee and not to the Committee on Rivers and Harbors. I will state, however, that as far as I am concerned I voted in the committee and on the floor of the House for a 27-foot ship channel on the St. Lawrence from Lake Ontario down to the point where the river passes entirely out of our jurisdiction, and that was a 2-foot greater depth than that recommended by the Hoover commission.

Mr. CULKIN. May I again interrupt the gentleman from Texas?

Mr. MANSFIELD. Yes.

Mr. CULKIN. Is it not true that deepening this channel between Lake Ontario and Ogdensburg is really the initial step in the construction of the St. Lawrence canal?

Mr. MANSFIELD. That is a part of it, and without that you can not have a ship channel there.

Mr. CULKIN. And as the gentleman understands the temper of the present Rivers and Harbors Committee, the committee is in favor of carrying out the St. Lawrence project?

Mr. MANSFIELD. There is no prejudice, I will say, in the present committee against the St. Lawrence River improvement.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MURPHY. Mr. Chairman, I yield two minutes more to the gentleman from Texas.

Mr. MANSFIELD. I thank the gentleman from Ohio.

The people of the interior must have access to the ocean and to world markets. Many farm products will not now bear the cost of transportation by rail. Shall we refuse to give them cheaper transportation by water wherever it is practical to do so? If wheat now has to be fed to cattle and hogs or burned in a furnace as fuel because it can not bear the cost of transportation by rail, wherein are the railroads injured if such commodities move by water?

But, on the other hand, suppose the waterway transportation did injure the business of the railroads, as they claim. Shall we continue to inflict a greater injustice upon a larger number of people in order to increase the business of a much smaller number, who have a guarantee of reasonable profits under the law?

There is but little truth in the contention of the railroads with reference to waterways. The uncontradicted statistics

show that wherever traffic has been moved by water successfully and in large quantities it has invariably caused development in trade and industry that have greatly increased the business and profits and prosperity of railroads. While it has taken from them certain lines of traffic, it has built up for them in return other lines of trade which in many instances have been far more profitable to the roads.

Under the bond issue, as proposed in this bill, practically all of our most needed waterway improvements can be made and completed within about five years. It will give the people the early use of these transportation facilities, and, as compared with the past, result in a financial saving to the Government of about \$200,000,000 on the cost of construction. It will also afford work for a great army of men, about five millions of whom, as shown by recent surveys, are now without employment. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield two minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. My friends, I am taking this opportunity, through the kindness of the gentleman from Ohio [Mr. MURPHY], who has yielded me two minutes, to bring before the House the wording of a resolution adopted by the Nevada Assembly and Senate respecting cash payment of the surrender value of adjusted-service certificates, and also a resolution adopted by the Lovelock Post of the American Legion, reading as follows:

LOVELOCK, NEV., January 31, 1931.

HON. SAMUEL ARENTZ,

House of Representatives, Washington, D. C.:

This post of the American Legion, Department of Nevada, earnestly requests your support of bill relative payment bonus certificates in full membership of Post 80, and entire membership unanimous in soliciting your support to this end. We all feel the need for advantages that would be derived by a full-faced cash settlement, and we again ask your support in this matter.

LOVELOCK POST, No. 6, AMERICAN LEGION,
E. WALLACE, Commander.

I may say that the resolution adopted by the legislature was inserted in the RECORD yesterday by Senator ODDIE, and because of that I shall not introduce it here, because I do not believe the RECORD should be cluttered up with duplications.

Mr. JOHNSON of Texas. What does the resolution do?

Mr. ARENTZ. The resolution asks for the cash payment of the present surrender value of the adjusted-service certificates, and I am merely bringing these two resolutions to the attention of the House, when, as a matter of fact, I have letters and resolutions of the same purport from about all the posts of the State of Nevada. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, ladies, and gentlemen, I propose to address myself to the bill under consideration this afternoon; but first I wish to pay a compliment to the members of the committee, who have given such intimate attention to the details of legislative expenditures. One of the items which appears in the bill is the item for contingent expenses.

May I explain that the contingent fund of the House and of the Senate has no protection whatever from any other division of the Government. It is not subject to the veto of the President. It is not subject to the scrutiny of the auditor's office or of the office of the Comptroller General, Mr. McCarl, or of the Bureau of the Budget. In other words, it only has the honor of the Members themselves and the attention of the Committee on Accounts of the House to protect the fund from raids or contemplated raids, extravagancies, or unnecessary expenditures.

Mr. ANDRESEN. Will the gentleman yield for a question?

Mr. UNDERHILL. I yield.

Mr. ANDRESEN. Does the House committee have any jurisdiction over the special funds created in the Senate for investigation purposes?

Mr. UNDERHILL. I am coming to that.

The Committee on Accounts, I am glad to say for the membership of the House, is called upon very, very seldom to correct errors or mistakes or to protect the fund from

abuse on the part of Members of the House. There are occasions when a new Member, who is not familiar with the rules or regulations or the proceedings of the committee, unconsciously transgresses when he has no intention of going beyond his rights or privileges.

Furthermore, an interim committee is appointed at the close of every session and sits through adjournment, through recess, at all times as a committee of the House on the job, looking after the affairs of the Congress in the House, even though the rest of you may be on vacation. This committee consists of the chairman, the ranking member from the minority, and a third member of the Committee on Accounts. As a matter of fact, this committee consists of one member alone, because it is very difficult to get the members together during a period when the House is not in session.

Now, this committee has been criticized at times for a too careful policy, may I put it, in protecting the contingent fund of the House from inadvertent or prearranged raids. During my service on this committee, running over a period of 10 years, I do not know of a single occasion where the chairman of the committee or a member of the interim committee when called to Washington during adjournment or recess, has charged against the contingent fund the expenses of his trip to Washington. I am positive that he has never charged for subsistence while in Washington, and in spite of the fact that he may be here on public business.

For my guidance, for my information, I would like to have an expression of opinion from the House or from the press or from the public as to whether we are to be bound by the ethics—and I may say the honesty—of our Members, or whether we are privileged to expend public funds in the way and manner shown by a recent report published in the CONGRESSIONAL RECORD on Thursday last by an extraordinary committee of the Congress, which has charged up large sums for sustenance while holding hearings in Washington.

This report from the Committee on Appropriations carries an item for expense of inquiries and investigation ordered by another body—\$250,000.

I have not been able to get all the figures I desired, but I find for the fiscal year ending June 30, 1929, there has been appropriated for this purpose \$250,000. For 1930, \$250,000, and for this year, \$350,000, and I find in the deficiency appropriation bills other sums which brings the total up to a staggering amount. Over a million and a half dollars has been appropriated for special investigations that have led nowhere, have accomplished nothing, and have given the taxpayers of this country not a single dollar in return. [Applause.]

The latest example of this, and I think the most flagrant one, is an appropriation of \$2,500 from the contingent fund for the purpose of employing an attorney to bring quo warranto proceedings to prosecute either the President of the United States or the Government of the United States, I do not know which, to save somebody's face.

The ridiculousness of this amount and this proposition is in part that it was stated that it was nothing more than a gesture—a gesture that costs the people, the taxpayers, \$2,500.

Just think of the talent there is in this House and the other body of a legal character, and tell me if one of them could be hired for such an important case for \$2,500. Two thousand five hundred dollars would be a gift to some embryo law student or some cheap attorney to take a case of such great importance if it were not a gesture.

I find in the report to which I have referred some contradictions in figures which are rather interesting. For instance, on page 3442, an item for reimbursement for expenses of travel from the State of Washington, including Pullman charges. Spokane to Washington and return, \$355 for transportation. At the time this trip was taken there was a round-trip rate over all transcontinental roads for \$130 clear across the continent.

Mr. ANDRESEN. Was this for a Member of the House?

Mr. UNDERHILL. No. The round trip \$130, with perhaps an additional \$50 for Pullman, plus tips to the porters, a difference of \$175.

Another item I find concerning my own State. By the way, they spent about \$2,200 on an investigation trip to Boston. I did not know that there was a single thing in question, or a single thing to be accomplished by that trip.

One investigator travels from Washington to Boston and return and puts in a bill of approximately \$75 for transportation. Another one who made a stop-over in New York puts in a bill for approximately \$50. As a matter of fact, on the "Senator," an extra-fare train, including chair accommodations, round-trip fare from Washington to Boston is approximately \$50. Of course, I know how the item of \$75 was incurred. The investigator hired a drawing room or a stateroom and went in style at the expense of the taxpayer.

I have been a Member of this body for 10 years. I have been required to make many trips between Boston and Washington, but I never yet have had a stateroom. I can not afford it. These hirelings, however, apparently can afford to travel in a style to which I am not accustomed.

I do not question the honesty of this report in any way, shape, or form, but I do question the ethics and I do question the judgment of allowing a relative of one of the members of this committee—

The CHAIRMAN. The gentleman will suspend. The Chair is obliged by parliamentary precedent to protect Members of the other branch from any statements in this body impugning motives or criticizing their action. The Chair finds himself somewhat embarrassed by the fact that before the committee is a bill containing appropriations for the contingent fund of the Senate. In view of that fact he is inclined to permit a greater latitude than would be permitted in the ordinary course of affairs. The Chair, however, cautions the gentleman from Massachusetts that he is treading close to the line when he animadvert upon the conduct of a Senator.

Mr. UNDERHILL. Mr. Chairman, I hope I shall not transgress the rules of the House. May I put a hypothetical question to the Chair? As chairman of the Committee on Accounts, having in charge the contingent fund of this House, would I be justified in transferring that power to a close relative of my own in order that he might audit the bills and report upon the expenditures of a number of assistants which might have been necessary in the prosecution of the business of the committee?

The CHAIRMAN. Whatever may be the view of the Chair upon that question, he is obliged to say that it is not a parliamentary inquiry.

Mr. LAGUARDIA. Will the gentleman from Massachusetts yield to me to make a parliamentary inquiry?

Mr. UNDERHILL. Yes; though I do not think it should come out of my time.

Mr. LAGUARDIA. Mr. Chairman, it strikes me that the observations just made by the present occupant of the chair raise a question of far greater importance than the approach of the gentleman from Massachusetts [Mr. UNDERHILL] to a violation of the rules of the House. Does the Chair hold that a Member having the floor is subject to the guidance of the Chair in the observance of the rules? I think that is very important. If the gentleman transgresses the rules, of course, a point of order would lie.

The CHAIRMAN. For the benefit of the gentleman the Chair will read part of one paragraph in Jefferson's Manual:

Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately and not to permit expressions to go unnoticed which may give a ground of complaint to the other House and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder.

The Chair does not recall any other place in parliamentary law where it is clearly set forth that it is "more particularly" the duty of the presiding officer to protect the orderly transaction of business.

Mr. LAGUARDIA. Not to await a point of order?

The CHAIRMAN. And not to await a point of order.

Mr. UNDERHILL. Mr. Chairman, may I present a parliamentary inquiry? Another one of the duties of the chairman of the Committee on Accounts is to carefully examine

the returns made by the Members as to railroad fare between their places of residence and Washington, in order that we may determine the amount of mileage to which a Member is entitled. Would the chairman of the Committee on Accounts be justified in routing a Member from Island Pond, Vt., to Chicago by way of Glacier National Park, Mont., and a return to Island Pond, Vt., by the way of Battle Creek, Mich.?

The CHAIRMAN. The Chair feels constrained to rule also that that is not a parliamentary inquiry.

Mr. UNDERHILL. Mr. Chairman, it is not parliamentary inquiry, and to do as I suggest is not honest.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WRIGHT. The gentleman has been admonished by the Chair that he is approaching the border line pretty closely. Will he not just get on the line and proceed right in the middle of it?

Mr. UNDERHILL. This contingent fund of which I speak, it will be seen, has its origin in the House. This money is not picked off trees; it is taken from the pockets of the taxpayers. As a matter of courtesy and necessity this committee and this House in its legislative appropriation bill provides for a fund for the use of another body. There is no rule of either body which protects that fund. As I said before, it can not be protected by the veto power, it can not be protected through the office of General McCarl or the Budget. Every executive department of the Government is limited in the amount per diem of expenditures which its agents may spend during an investigation or while on Government business, and the Comptroller General refuses to allow any expenditures in excess of \$6, \$8, or \$10 a day, as the law provides.

Mr. McREYNOLDS. Will the gentleman advise use as to who it is?

Mr. UNDERHILL. I regret that the rules of the House do not allow that.

Mr. ANDRESEN. Does the gentleman intimate that Members of this House have violated the rules?

Mr. UNDERHILL. Oh, no; far from it.

Mr. PARKS. I want to say to the distinguished gentleman that every man in this House appreciates the valuable service that he is rendering and how futile his efforts are, but I say to him that after the 4th of March he will have a strong ally over here to see that it shall not be done any more.

Mr. PURNELL. Of course, the gentleman from time to time may properly refer to the pages in the CONGRESSIONAL RECORD of January 29 for the guidance of Members.

Mr. UNDERHILL. Yes. In response to the gentleman from Tennessee, I refer the gentleman to page 3439 of the CONGRESSIONAL RECORD of January 29, 1931.

I would refer you again to page 3454, to the item at the top of the page. I would call attention to the fact that a certain employee of this committee had the expenditure of \$25,000 or the validating of accounts amounting to \$25,000. Most of this was for traveling, subsistence, quite a generous sum, to my surprise, for newspapers, showing, of course, that the committee was aware of the value of publicity or was very much interested in the reports which newspapers might have made with reference to their activities. I also notice there are several items which extend over Sunday, trips from this point to that point, and in looking up the records I find that some of them must have been trips for employees who may have been in Chicago or Fargo or somewhere in North America back home to stay over Sunday and make the return trip on Monday. It occurred to me yesterday when my good friends on the Democratic side of the House were trying to do a kindly deed, that perhaps it would not have been a bad idea if they had suggested as an amendment to relieve unemployment that the \$25,000,000 which was under consideration be given to such a committee as this for expenditure. [Applause and laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. UNDERHILL] has expired.

Mr. MURPHY. I yield to the gentleman from Massachusetts 10 additional minutes, Mr. Chairman.

Mr. UNDERHILL. It is very difficult, in the type in which the report is printed, to follow it closely and analyze it properly. Then, too, I am greatly embarrassed and handicapped, for I am unable in my usual manner to express my indignation and to bring to the attention of the Members some of the evils which have grown up through the custom of having a special, extraordinary committee investigate everything that comes up that happens to meet with the disapproval of some one Member of Congress.

We have in our midst not one alone, but one of eight lady Members. I knew she was a live wire, but I did not realize for a minute it would cost almost half of \$100,000 for this committee to keep up with her in taxicabs out in the State of Illinois. That is what they spent, almost half of that in investigating this Member and trying to find out what she did with her own money during the primaries in that State. This Congress has absolutely nothing to do with the primaries in the State of Illinois, and this committee had no right to make such an investigation at the expense, not only of the taxpayers of my State, but the taxpayers of Illinois as well. I have more respect for a man or woman who spends his or her own money, no matter if it amounts to a million dollars, for the purpose of being elected than I have for a Member of Congress who would try, and who succeeded apparently, to get his publicity through the Treasury of the United States. [Applause.]

That is all this has amounted to—publicity, publicity; and it is publicity that does not reflect credit upon the Congress of the United States.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. McREYNOLDS. Will the gentleman inform us who he is speaking about at this time?

Mr. UNDERHILL. Oh, the gentleman is not a Yankee, but he can guess.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. O'CONNOR of Oklahoma. Is it not rather a laudable example for any lady past middle life to spend some of her funds trying to get into the "old ladies' home" to end her days? [Laughter and applause.]

Mr. UNDERHILL. I think it would have my commendation much quicker than a taxicab bill for one day in the city of Boston, for one member of this committee, \$50. What did he do with a taxicab which would cost \$50? He must have bought the whole outfit. One can walk around Boston quicker than he can ride in a taxi.

Mr. SNELL. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. SNELL. Will the gentleman please make that statement again? I did not understand it clearly.

Mr. UNDERHILL. One member put in a bill, or there is an item here for \$50 for a taxicab for one day in Boston.

Mr. SNELL. For one man for one day?

Mr. UNDERHILL. For one man one day.

Mr. PURNELL. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. PURNELL. What is the page number, please?

Mr. UNDERHILL. Page 3446.

Mr. McREYNOLDS. Give us his name. We will find it.

Mr. PARKS. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. PARKS. Was that an empty taxicab? Was there anything in that taxicab?

Mr. UNDERHILL. Well, one man was in it. I do not know whether anybody else was or not.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. COCHRAN of Missouri. In all seriousness, is the date on which that taxicab was used given in the Record?

Mr. UNDERHILL. I do not know. I will place it in the Record if I can locate it.

Mr. ALLEN. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. ALLEN. Was that the fresh-air taxicab?

Mr. UNDERHILL. One thing I recollect about the Fresh Air Taxicab Co. is Andy sitting down at the desk writing

one million, two million, three million, nine million, ten million, and, gentlemen, it did not mean anything, and this does not mean a thing only millions of the people's money wasted on useless investigations.

When I have withstood the kindly criticism of my colleagues because I have tried to protect the Treasury, because I have tried to protect the contingent fund, when I see this willful extravagance, this willful waste, I would use stronger language if I dared. When I see that going on I say what is the use of any one man in this House trying to save this money and trying to be economical and at the same time efficient and fair, even though he has the moral support of 99 per cent of the Members.

Mr. WRIGHT. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. WRIGHT. The gentleman's remarks thus far have been addressed to one particular investigation. Has the gentleman any views to express upon the practice of appointing special committees to do anything and everything?

Mr. UNDERHILL. Can the gentleman tell me one single thing that has come out of any one of these special investigations that have been held during the last two years? Not a thing.

Mr. WRIGHT. I wanted the gentleman to state his views.

Mr. UNDERHILL. My views are what I said in the first place. They accomplish nothing and get nowhere.

Mr. FORT. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. FORT. I notice in going over the report to which the gentleman has referred a considerable number of charges for unfranked telegrams. As I understand it, any telegram on official business may be franked, may it not?

Mr. UNDERHILL. It may.

Mr. FORT. Therefore an unfranked telegram charged to the Government must have been a personal message?

Mr. UNDERHILL. It must have been. Let me make this statement with reference to telegrams. The Committee on Accounts asked the Members, through a personal communication, if they would observe the ethics of the telegram frank and confine their telegrams to official business. Since that time there have not been a half dozen telegrams from all the 435 Members coming into our office which have transgressed the ethics of the rule which limits telegrams to official business. [Applause.]

Mr. ARENTZ. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. ARENTZ. Oftentimes the telegrams referred to are official in fact. I remember that the gentleman brought certain telegrams to my attention. The legislation was pending; the Senators had the privilege of sending telegram after telegram regardless of length, yet the Member from Nevada in the House could not send any because the gentleman from Massachusetts said, "No; they are not official; you have to pay for them." It seems to me that is not fair.

Mr. UNDERHILL. May I say that the Member from Nevada paid \$75 like a gentleman for telegrams about which there was some question as to whether they were official or unofficial, and I commend him for it. If such telegrams are sent out, they are simply sent for personal publicity. The press gallery takes care of news items. Why should any Member of this House or the other body send to all the newspapers in his district a telegram to the effect that he had taken a prominent part in the passage of this, that, or some other legislation? That is not official. That is political or personal publicity.

I have this suggestion to offer the chairman of this subcommittee, in whom I have the greatest confidence and whom I commend: Does the gentleman think it is possible for his committee to carry a limitation in this bill which would provide that no part of this sum shall be used for the employment of an attorney for quo warranto proceedings or for the purpose of hiring pseudodetectives to chase a Member of Congress around the country or for any other purpose than that which we might designate in this body as a legitimate purpose? We have had investigating committees in this body; they have not spent all of their appro-

priations, all credit to them for that. [Applause.] What they did spend was economical and productive of information which was a benefit to Congress and to the people of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SANDLIN. Mr. Chairman, I yield one hour to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman and gentlemen of the committee, I propose to discuss the Hidden Mystery, or Who Skulldugged Muscle Shoals in Conference. [Laughter.]

On the 6th day of January of this year it became my painful duty, after recovering from a long illness, to have to inform this House about the proceedings in conference on Muscle Shoals. I told this House on that occasion that one-third of a sentence kept down an agreement between the House and the Senate, and that one-third of a sentence was the power of the board or the President to build transmission lines to transmit the surplus power from the Government's dams at Muscle Shoals. One of the gentlemen [Mr. WURZBACH], who was standing out for that, read over the RECORD, and the next day went over in that conference, and there was an agreement reached between the Senate and the House, unanimously on the part of the Senate, and agreed to by Mr. WURZBACH, of Texas, Mr. FISHER, of Memphis, Tenn., and PERCY QUIN, of McComb, Miss.

First, gentlemen, we have on that committee a gentleman from Philadelphia, Pa. [Mr. RANSLEY], the chairman of the House conferees. We have Mr. REECE, of Tennessee, right in the backyard of Muscle Shoals. We have Mr. WURZBACH, of San Antonio, Tex., near the Mexican border, the lone Republican from the Lone Star State of Texas. We have Mr. FISHER, of Memphis, Tenn., and PERCY QUIN, of Mississippi.

There never has been a time when the Senate conferees have not been willing to do the right thing. I want to say that last June, before this Congress adjourned, it became my painful duty to discuss what was going on in that committee at that time. I told the conference I was going to do it and I have notified everyone of them to-day. I have warned them about what I am going to do and I hope they are all here.

Mr. RANSLEY, of course, is a stand-pat Republican from the city of Philadelphia and nobody expected him to take any interest in it. I will say he has been fair and honest all the way through. He said, "I do not want to do anything down there," and he held that position. Of course, he ought not to have gone on the conference committee, because the conferees whom this House appoints constitute the agents of this House.

I make the charge here that your conferees have embezzled the power that you gave them. They are guilty of embezzling power of the House, because, instead of reaching an agreement, they have determined there shall not be an agreement.

What was the situation? We had before us the bill that this House passed. I did not vote for that bill. I was against it in the committee and it came on the floor and I was against it and told my reasons. This House, under its rules, would not let us put up the bill that the Senate had passed as an amendment, although we had a substantial majority to pass it if we could have gotten it up as an amendment on the bill. We went into conference with two distinct bills.

The United States Senate in plain language and with integrity of character and spirit for this House said, "You give us our bill and we will give you all the fertilizer and every kilowatt of power there to make fertilizer under a lease." Under this we could reach an agreement. They made concession to where they not only gave us the right to make fertilizer with every kilowatt of power, but they even went to the point of allowing the lessee to process, manufacture, sell, and dispose of all the by-products of every kind and description that is not an ingredient of fertilizer. On that, the 7th day of January, 1931, PERCY QUIN, HUBERT FISHER, and HARRY WURZBACH agreed. The Senators

and all of these gentlemen called in the photographers and they took pictures of these great statesmen and patriots that had reached a conclusion on Muscle Shoals. [Laughter and applause.]

Lo and behold, our friends, the Associated Press, carried this news over the telegraph lines to every quarter of the United States. Telegrams began to pour in from every direction—east, north, south, and west.

What happened? Several days went on. I saw that my colleagues were getting a little bit changed up. They were getting cold feet. WURZBACH had taken the matter unto himself and I had authorized him to write the report and we had the clerk of the Committee on Military Affairs, Mr. Sedgwick, preparing the report. We were to meet with Senator NORRIS and the bunch over there late Saturday evening and sign up, and I so reported to the Senator. I waited at my office until 6 o'clock that evening. I went to the clerk of the committee and he said, "Why, Mr. WURZBACH came round here and took those papers away from me." I said, "The hell he did." I said, "Where is he?" and he said, "He is in REECE's office." I picked up the telephone and I said, "Uh-uh-uh-uh."

You know who Mr. REECE is. I want to say that when it became my painful duty to tell this House about this before it adjourned in the late summer, I had to tell what Brother REECE was doing. He is a good man. CARROLL REECE is a fine, lovable fellow, but he went back to his district and he had the great statesman and our big leader, and I am proud of him because he is from Tennessee and his father was a Confederate soldier. JOHN Q. TILSON, of Connecticut, come down there to help him in his troubles, and like St. Peter, when he was walking on the water to meet his Master, he became scared and started to sink and said, "O Master, save me." Carroll cried out and said, "Mr. TILSON, Mr. President, come and save me." But you know that not even the great leader of this House and the President of the United States could save REECE. These were his people who had loved him all these years and they would have kept him in the United States Congress until he was as old as Moses and as gray as Methuselah, but he pursued a course on this conference committee that they did not like, and his people are just like my people and just like your people.

Now, who is it that has killed this great project at Muscle Shoals? It is not somebody from Pennsylvania because we never considered Mr. RANSLEY in this because he was always against it. It was not anybody from Michigan or from the Dakotas or from New York but it was men from right in that section. The great State of Tennessee furnished two of them to kill it. They furnished CARROLL REECE and my friend, HUBERT FISHER, from Memphis, and the Lone Star State of Texas furnished the third, Mr. WURZBACH, my good friend from the Mexican border.

Now, is not this a sad plight; and to show you that the people in this section must know what they want CARROLL REECE, with all of his personal popularity and his lovable disposition, and he is a good man and a good fellow, went before his people on the 4th day of November, when many of those people did not have enough clothes to wear. Some of them perhaps were barefooted, with great big patches on their breeches, and those people, outraged, marched up to the polls with their majestic tread in a solid phalanx and put their ballots in the box against their beloved Congressman CARROLL REECE. They laid him silently away in a political coffin and with sadness they closed the lid on him, but they can not haul him to the political graveyard until high noon on the 4th day of next March. [Laughter and applause.]

He came back. Did he change and go like his people wanted him to? No; he is out yonder on the conference committee performing the same old tricks.

What else happened? He and Mr. RANSLEY maintained their position and Mr. WURZBACH maintained his until the 7th day of January of this year. Then Mr. WURZBACH came over and the three of us—two Democrats and Mr. WURZBACH—had agreed with the Senate.

But, lo and behold, there are certain influences in this country that are not visible but they are here. You understand in the country we have a varmint called a polecat. A farmer can walk by a little bush and he can smell the scent. He does not see any tracks, he does not see any varmint, but he knows there has been a polecat along there. [Laughter.]

Now my friends tell us that this power monopoly had nothing to do with that change of their position, and I take their word for it. I charged them in the conference committee that the power monopoly of the United States had broken up this agreement. They said no. Well, I assume that they are honest and that they are telling the truth. However, that polecat was around here but they said they did not see it. [Laughter.]

What happened? You know I have voted for every single Muscle Shoals bill that has ever passed through this House except the Reece bill passed the last time. I voted for every one of the Muscle Shoals bills, and I want to say to you, gentlemen of the House, that there is not a man unless he is a new Congressman that has not voted for the issues at stake now in the conference committee.

I voted for the Ford offer and that carries the earth. We had fertilizer and all kinds of chemicals in that bill. The Senate would not stand for the electrochemical industry to be included. [Laughter.] I am going to show you the only man on the Democratic side that I am going to stand for demagoging on Muscle Shoals in the future, and that is our good friend Judge ALMON. He is entitled to it because the project is in his district, and the highjackers down there, the real-estate sharks, have exploited his constituents. They have sold lots worth 15 cents for \$1,500 each. His constituents are all holding on to the judge's coat tails, and saying "Save us." The judge is honest and sincere and he is trying to have something done.

I want to say to you that we have a sacred duty to perform, and that duty is to get that great enterprise started. As one member of the Military Committee of this House I am determined that every vote in the future that is taken on this bill in the committee shall be a roll-call vote. I am coming out here on the floor of the House the next day and expose the Members that stand up for that great money power of this country against the people. [Applause.] That is going to take place in the next session. That is when you will get the bill brought out. There will be eight new men put on the committee, and I hope the leadership will not act against the people's interest. All we want is for a common, honest understanding between both branches of Congress.

If the gentleman from Michigan [Mr. JAMES], who has worked earnestly—if he had not lost his health—if he had been on the conference committee we would have had it out of conference long ago. Mr. JAMES knows what the Senate will do, and he knows what it will not do. I have been in conference with the United States Senators for years; even before one of the Senators over there we are in conference with had come to the Senate. I know their views—what they will do.

You ask me why we have not agreed. How can we agree when the House conferees will not stand hitched?

The United States Senate said, "Here, you gentlemen can have all the fertilizer you need, but you can not start a chemical factory down there; you can take every kilowatt of power that is produced at the Wilson Dam also, and that which will be produced if you construct Cove Creek dam." Could anything be fairer than that? But they said we must make fertilizer with it; that we can not make chemicals with it. They then went to the extent of saying, "You can make all of the by-products that are possible to make, if they are not ingredients of fertilizer," and there is a string of them as long as from here to the House Office Building.

We reached an agreement on January 7, and immediately thereafter this flood of telegrams came in here. You gentlemen know about that; you received them. There was a trainload of telegrams came into the House of Representa-

tives from all over the United States. Who sent them? Listen to me. This invisible power, that you can not see, that reaches all the way from the Atlantic across this great continent to the Pacific, which reaches from the Canadian line clear down to Mexico to the Gulf. It ramifies not only into the great cities but into the little villages, and wherever there is a little bit of bank that has \$500 in it they have that banker write and telegraph you. They have the saw-mill man telegraph you, and they have every kind of influence. My friends, you have in this country that influence that is pulled out of Lombard Street, London, and I refer to the power monopoly. They have been able to take away from the small towns and the small cities of this Nation their own electric light and power plants, from which the people were receiving satisfaction in holding down taxes. They now propose, after they have control of the water-power sites of this country, after they have gained control of the municipalities of this country, to say to the United States, "You shall not operate your plant that you have spent \$157,000,000 of the taxpayers' money on." Gentlemen, you need not deceive yourselves. You understand that is the polecat that I am talking about. You may not see him, but you can smell him. That very varmint entered the oligarchy of this House. When Mr. WURZBACH made that agreement with the Senate conferees—he is a Republican, although a southern man—he meant to carry out his duty, but this oligarchy, in my judgment, called him in and said, "You have got to change your position." What did WURZBACH do? You know under the Ford bill we had the right given to take the fertilizer ingredients and manufacture by-products from them. Let me inform you what that means.

The chemical industry of the United States is the fourth largest industry in all the country, and our chemical industry produces approximately more than all the combined countries of the world. Not only that, but we do not produce enough for the United States. The Department of Commerce will show that we import about 10 per cent of the amount that the United States uses. You know what this means. We did have a big tiger to fight, which was the Fertilizer Trust, and then we had another big tiger to fight, which was the Power Trust, but WURZBACH was called into this House Republican hierarchy group and told, "You must add this other group on, and then we know that it will be killed." "What is that?" he says, and I imagine I can see SNELL taking him off to one side and saying, "We have a hobbyhorse here, this old Trojan horse, and we will fit him up and you take him over there." "What is that?" says WURZBACH. And SNELL said, "This is that ingredient of fertilizer that they are allowed to produce everything from." Then WURZBACH would say, "What can they make out of that?" Gentlemen, I will tell you what they can make. They can make carbide. They can make the oils and the paints and the cosmetics and the toilet articles, from the finest bottle of perfume at \$5 an ounce to common old asafetida. They can make the finest chemicals and medicines and drugs in the world. They are all made out of the ingredients of fertilizer, and you understand that that is nitrogen.

The intention of WURZBACH's hobbyhorse was to start a great electrochemical industry down there. They were to take the fourth largest business in the United States and subsidize it with the Government buildings, the Government machinery, and the Government power. They knew that the United States Senate would not stand for that. WURZBACH said, "This hobbyhorse might be recognized over there." And this Republican oligarchy said, "No," and so they fixed him up fine, had CARROLL REECE put a blanket and bridle on him, and FISHER got up on top of him and rode over there. [Applause and laughter.] He rode right over into this conference committee, WURZBACH leading this old Trojan horse. Senator NORRIS said, "I have seen that old horse before," and he kicked him in the side. Senator SMITH came up there and examined him and McNARY turned his mane around, and they said, "That old horse

has no fertilizer in him. He is full of chemicals." [Laughter.] The conference broke up. The Trojan horse killed the bill.

That, my friends, is what is the matter. They knew that it would not be agreed to. The United States Senate ab initio had told us that we could not use that power for making chemicals down there and starting a great chemical industry. In other words, WURZBACH did not recognize that we already had two great big tigers to fight, but he wanted to put a lion up there for us to fight. Many days after killing the bill with the aid of my colleague, FISHER, he came in here and made a speech. He did not put on a power uniform. He put on a farmer's uniform, and came in here making his speech in a farmer's uniform. Do you know what he told the farmers? He told them, "I already had a lion—one of these little western lions—to fight, and a tiger, but I will fix it to give you some fertilizer, but there is a great big lion inside of that sack, and you will have to kill the big lion before you can get any fertilizer." That is exactly what he has done, knowing that the lion would whip the farmer.

From Muscle Shoals, Ala., down to the Mexican border, where the gentleman from Texas [Mr. WURZBACH] lives, is so far they would never, under the Wurzbach amendment, get a shirt-tail full of fertilizer anyway. [Laughter and applause.] But, you understand, the power interests do reach there. I told you the power interest reaches from New England clear across the United States—across Alabama, Mississippi, Louisiana, Texas, and down to Mexico. It ramifies Mr. WURZBACH's district down there. You know they are in San Antonio just as they are in New York. Even in every district of Mississippi the power interest is there. It has its paws erected everywhere. It is in every Member's district. That is the invisible government that has killed this thing in conference. You do not need to fool yourselves. Those gentlemen never intend to agree. They did agree in good faith until they were forced away. I do not know why Brother FISHER left me. He came over there and rode this old Trojan horse into the conference committee, and he has stayed on him ever since. All that REECE did was stand there with a curry comb and brush. [Laughter and applause.] What can be done? They have a resolution pending before the Rules Committee to discharge the conferees. The Democratic leader [Mr. GARNER] introduced the resolution and had it referred. If this House oligarchy wants the honest thing done why do they not report out this resolution and say, "We will give you new conferees"? Give us a trial at it. It is in their power. The group that caused this thing to be killed in that committee is causing this resolution to be held in the Rules Committee right now. I am going to tell you gentlemen, though, that at the next session of Congress this House will be more equally divided, and if the Lord gives me strength, I am going to work on that committee, and I will have my good friend JAMES with me. I wish my good friend from South Carolina [Mr. McSWAIN] were on the conference committee now. This bill will come out of that committee next Congress. If it does not, we will get one through this House. We are not going to be held up any more.

The fact of the matter is, the man who is afraid to stand up for the people is not worthy to represent them in the United States Congress. Any man who is a coward, either physical, mental, political, moral, or spiritual, is not big enough to represent honest people in the United States Congress. He may be weak mentally. Many people that are weak mentally do not betray the people. If a man is honestly mistaken as to what his people would stand for, he may be excused. I guess CARROLL REECE thought they would stand for him going with the Power Trust, and they showed him differently on the 4th day of November. But instead of carrying out their wishes he comes here until this day and stands against them and gives out interviews about every other day to the Associated Press and says it is the United States Senators.

My friends, no man ought to try to misrepresent the facts. I put in the RECORD here as a part of my remarks a bill

that we agreed to in the conference committee. It is a part of my speech in the RECORD. It shows you that every Member of this House has voted for the principle. In the vote for the transmission-line business, in the bill which the House and Senate voted on, CARROLL REECE, FRANK JAMES, and Mr. Morin represented the Republican majority side, and Judge WRIGHT, of Georgia, and I represented the Democrats in the conference. In that bill we had the exact language we have here now. It was presented here and passed this House, and it passed the Senate, and it went to President Coolidge, and he forgot to sign it. [Laughter.]

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. OLIVER of Alabama. Did the gentleman see the letter of the ex-President in the paper this morning?

Mr. QUIN. I do not have time to fool with ex's. I am here dealing with live ones now. [Laughter and applause.]

Mr. OLIVER of Alabama. I think that shows the reason why the power companies were behind it.

Mr. QUIN. Well, he is out of office now. I am not fooling with him. We have got President Hoover up there now. [Laughter.]

These Republicans, when they are about to get into deep water, get up and holler "The President will veto it." Now, that is cowardice. You know a brave man would not come here and try to put himself in the clear by saying something about the President. The President never has told those men that. Do you not know if the President wanted to say he would veto this bill he would come and tell some nonpartisan Member like me who would tell it on this floor. He would not tell those fellows, skullduggering around in the conference committee, that he would veto it. I can prove they are slandering President Hoover.

Mr. Chairman, I ask that the Clerk read this telegram in my time. Here is what President Hoover said when he was candidate for President, and he said it in CARROLL REECE's district, and that binds CARROLL REECE, because he was elected on the Republican ticket. I ask the Clerk to read that, and I am showing you that the President is with me in this.

The Clerk read as follows:

KNOXVILLE, TENN., January 12, 1931.

HON. PERCY QUIN,

House Office Building, Washington, D. C.:

Replying your request Hoover utterances at Elizabethton on Muscle Shoals October 6, 1928, the following is taken from News Sentinel files:

On October 6 in his set speech he said: "Democracy could assure the conservation of our Government-controlled natural resources in the interests of the people. It has demonstrated that by the power of regulation it can prevent abuse. It can and must control natural monopolies in full public interest. It can do so without abdicating the very principles upon which our Nation has been founded, and through which we have reached a standard of living unparalleled in the world."

On Sunday, October 7, News-Sentinel carried signed article by its editor, Edward J. Meeman, saying that in an interview with Meeman night after he had spoken Hoover explained reference in his Elizabethton speech to the desirability of Government ownership in certain cases, adding "You may say that means Muscle Shoals," he (Hoover) told the writer.

Meeman then quotes Hoover's statement in speech upon which he was then interpreting as follows: "There are local instances where the Government must enter the business field as a by-product to some great major purpose, such as flood control, irrigation, scientific research, or national defense, but they do not vitiate the general policy (of private ownership) to which we should adhere."

On Tuesday, October 9, after all eastern dailies had featured Hoover interview with Meeman, the candidate issued following statement in explanation and corroboration of same: "Some discussion has arisen in connection with Muscle Shoals. I stated at Elizabethton that I do not favor any general extension of the Federal Government into the operation of business in competition with its citizens. I further stated that here are local instances where the Government must enter the business field as a by-product of some great major purpose such as improvement in navigation, flood control, scientific research, or national defense, but they do not vitiate the general policy to which we should adhere. The news item from Knoxville specifically states: Asked concerning the reference in his speech to the desirability of Government ownership in certain instances, Mr. Hoover said, 'You may say that means Muscle Shoals.' In this statement I was correctly quoted. There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and the nitrate plants. The major purposes which were

advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national defense reserve. After these purposes are satisfied there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interest. I entirely agree with these proposals."

L. W. MILLER,

Managing Editor Knoxville News-Sentinel.

Mr. QUIN. Now, my friends, you see they are slandering President Hoover. He agrees with me exactly, the very things which the United States Senate insists upon. President Hoover's position when he was a candidate is bound to be his position now. You can not make me believe that the President of the United States would deliberately, cold bloodedly veto a bill that we passed just as he said it should be passed. That is what has been done. The conference committee of the House and Senate has agreed to the very things that President Hoover said when he was a candidate. President Hoover is not foolish enough to say that he will veto this bill. All of this talk about veto is foolish.

Do you not know that the President of the United States in his campaign—and they voted for him down there and, you understand, he carried Tennessee by a great majority, and even over there in Alabama he came very near carrying that State, right in the back yard of Muscle Shoals; they believed what he said; and yet these gentlemen say the President will veto it. I defend the President of the United States from any such slanderous talk as that. He would have to make it in his own statement and say it before I would believe it. He is going to stand by what he promised when he was a candidate. He made that promise right there in the shadow of Muscle Shoals.

Mr. MAPES. Will the gentleman yield?

Mr. QUIN. For a question.

Mr. MAPES. In order to have the record complete—

Mr. QUIN. I can not yield for that. You can speak later. The record is going to be complete when I get through, brother. I want to say that the record is complete—

Mr. MAPES. I do not mean to imply that the gentleman was stating—

Mr. QUIN. I can not yield. I say that the President of the United States, running for office, agreed to the same thing that the Democratic candidate agreed to on Muscle Shoals—Mr. Al Smith, who got beaten. They both agreed that the Government is going to operate Muscle Shoals, and now at this late hour some of his henchmen are trying to distort the words of the President when he was a candidate. I believed him when he used to be a member of my party and was dishing out hundreds of millions of dollars worth of food, but after the Republicans stole him away from my party they try to slander him and make him out a two-way talker. But he said what he stood for, and I am going to defend him. I believe he stands for it to-day, and the people of Tennessee have the right to believe he stands right where he stood at that time.

Who else differs in this thing? Whenever it comes to a vote in this House men who say they are the friends of the people will vote for it, and the only way they can keep it from passing is to have it skulldugged, just like it has been in this committee.

Yonder under the dome at the other end of the Capitol the three Senators and the five Congressmen have met and tried to come to a conclusion that would be brought before each branch of the Congress, but it seems to be impossible.

I do not think it is the President of the United States that is doing it, especially after he made that statement in a speech while he was running for office. These men can talk all they please. I will have to hear him say it myself. Then who is doing it? Do you not know that the Speaker, Mr. LONGWORTH, the Chairman of the Rules Committee, Mr. SNELL, and Mr. TILSON, the majority leader, and the other bosses of this House have something to say about what shall reach you?

Mr. RANSLEY comes from the city of Philadelphia and they do not have any fertilizer scattered around the streets there. But they do need fertilizer in Mr. REECE's district; they need it in WURZBACH's district, and the only way they

are going to get any fertilizer there is under the Norris bill. I will show you why. That bill provides that the power shall be used to make nitrogen out of the air. This is to be put in such form as to be ready to put on the soil and make crops, for agricultural purposes and experimental purposes. You understand that millions of dollars are necessary to be spent to find the most economical method of converting the atmosphere into nitrogen and other fertilizer commodities. The private factories are unable to do it. The Government of the United States, under the Norris bill, does that very thing. And so that there can be no royalty or patent charges on it it goes to the fertilizer manufacturers down in WURZBACH's district, in New York districts and in every State in this Union. The benefit goes to all the citizenship. But to make this fertilizer in its finished product down there it necessarily must be sold in the community close by in order to save freight rates. Then the Norris bill does the same thing for Nebraska, for the State of Washington, for Alaska, for Texas, New Jersey, and New Hampshire as it does for Alabama, Tennessee and Mississippi. Nobody can complain about that.

Now, let us see. The power interests reach, as I told you, across this continent clear down to San Antonio. Mr. WURZBACH said they had nothing to do with him, and I assume that is correct. Mr. FISHER said they had nothing to do with him, and I assume that is correct. I think those gentlemen are telling the truth. However, they are affected by this invisible government that they do not know about. I know that WURZBACH was told to get on that hobby horse and point him up, and FISHER followed him. You know that a farmer can take a sack of corn and have a drove of hogs follow him. He can take a pint of corn and lead 10 hogs 15 miles by dropping a grain every now and then. So WURZBACH got this sack of corn and toted it before FISHER, and he followed him. Of course, the people of this country know that a good, honest man like Mr. FISHER would not have anything to do with the Fertilizer Trust nor the power monopoly, and that that is not the reason for his changing his position. His district is composed of one county and a great big city, the fine city of Memphis.

You understand that in the city of Memphis there would not be any necessity for scattering fertilizer around on those streets. No; Mr. FISHER did not need fertilizer, and that portion of the county around the city is so rich that the corn grows up so high that you can see lightning bugs in it in the middle of the day. [Laughter.] It was not fertilizer he wanted. Well, what was it that caused FISHER to go off? It was not Mr. SNELL or Mr. TILSON, although Mr. TILSON seemed to have some power down there in Tennessee, even if he could not save REECE from his outraged constituency in the last election. My judgment is that Brother FISHER just got in bad society and went off with Brother WURZBACH. Before that time he was all right with me. Nobody had any complaint about him then; but he later went off and followed WURZBACH. On what? On this matter of inserting the words "ingredient of fertilizer" into our agreed bill. In order to make a great electrochemical factory down there instead of producing fertilizer, and they knew the Senate would not accept that, and could not accept that.

The chemical industry has its influence as well as the power companies have their power. You take the fourth largest industry of the United States and if you think you can run over it in the United States Senate, you have gone crazy. We know it is death when we put it in the bill. We know that you can not get it through, and I want to say that Senator NORRIS is honest in trying to get a good leasing bill tied to his bill.

Here is Cove Creek Dam which is to be built, and it would double the supply of power down there at Wilson Dam. It would fix it so that over 1,000,000 horsepower would be developed in the Tennessee Valley—1,000,000 horsepower to make that the greatest manufacturing center in America. Senator NORRIS stands for us to do that. This is the key of the whole bill, and who is killing it?

I am sorry and ashamed to tell you that the great State of Texas that old Sam Houston went out and helped to defend from the Mexicans and helped to make a republic

at San Jacinto, at the Alamo, and at Goliad—the lone Republican from that Lone Star State is here stabbing this bill in the back under the guise of putting in the manufacture of fertilizer ingredients. Who else? Mr. REECE, right in the back yard of all this undeveloped power and the Cove Creek Dam; and not only that, but under a provision of the Norris bill that I reluctantly agreed to, his State gets a percentage out of every kilowatt of power that is developed from that dam. Millions of dollars would go into the Treasury of the State of Tennessee from the construction of Cove Creek Dam, and as proof of what I say Alabama to-day has a suit in the United States court asking for \$173,000 with interest for its part of the power that was sold at Muscle Shoals for the year 1927.

I agreed to give a percentage to Tennessee and to Alabama. Mr. FRANK JAMES of Michigan, and I agreed, against our judgment, to give a percentage to Tennessee for all Cove Creek Dam power and to Alabama for all Dam No. 3 power in order to get an agreement with these gentlemen from the two States that would be satisfactory. I do not know just how this ought to influence WURZBACH. He is from the South just like I am. I do think he ought to be willing to come out here with a bill that this House can vote on.

Who else is it down in Tennessee, the great, old State of Tennessee that gave us three Presidents—James K. Polk, Andrew Jackson, and Andrew Johnson—three great Americans? That great old State is now in the abashed and ashamed condition of having two of its sons on this floor turning their backs on this great development of the Tennessee Valley and killing a project that would give to Tennessee untold millions for the Public Treasury and billions from industries to come inside of 50 or 100 years, and one comes from the city and the other from the background of Muscle Shoals.

Under the Norris bill the first transmission line, in my judgment, that could ever be built would be built from the dam at Muscle Shoals straight as a martin to its gourd to the city of Memphis, yet her son is here killing this bill in conference, and on what ground? To make perfumery and such like out of ingredients of fertilizer.

Senator NORRIS, and every other man who is a friend of the people, want this Government project operated for the greatest public benefit.

Mr. FISHER. Will the gentleman yield?

Mr. QUIN. Just for a question; yes.

Mr. FISHER. Have I not stood all along for a stipulation providing for fertilizer to be manufactured according to the House bill, and you have always been willing to waive the House bill entirely and agree with Senator NORRIS?

Mr. QUIN. You and WURZBACH agreed with NORRIS and me. We did not have to have a notary public there to take it down. Why, we had our pictures taken out there agreeing to the bill, wherein we were to manufacture every kind of by-product that is not an ingredient of fertilizer. It is in the bill here that I put up.

So when this thing was killed, it was killed for a purpose. It was the main thing in the bill that killed it, and that was that transmission lines were to be built there without coming back to Congress to get the money to build them. But this House had gone on record in favor of that. Many of you voted for it in the Snell bill, in the same identical language, and you voted for it in the bill agreed to between the two Houses that went to the President and was vetoed.

This House is on record for that provision in two votes. Every man that voted for the Snell bill voted for the exact language we have in the conference agreement. Every man who voted for the conference committee report between the two Houses voted for the exact language we have in the bill to-day.

So there is no question—it is the exact language—so far as that is concerned. We voted for a bill and sent it to the President, and it was not half as good as this, as far as fertilizer is concerned, because you have in this bill a provision that they can use every kilowatt of power that is produced there—we can turn it into the manufacture of nitrogen and fertilizer to be sent out from Muscle Shoals. You have in

the original law for the construction of the dams and the plants at Muscle Shoals a provision that you are not to make anything except the ingredients of fertilizer. Your original bill that passed through the Congress was to take nitrogen for explosives or agriculture. The ingredients of fertilizer means nitrogen, and nitrogen was to be manufactured by the Government under the bill in 1916.

The Norris bill provides for that to be done. It goes further and says the nitrogen shall be made in form ready to go on the soil to produce crops. In addition, it provides untold money to be spent for the benefit of agriculture for the whole country. It provides that certain per cent shall be given to the farmers and the farm demonstrators who ask for it—a broad principle—the great principle for agriculture.

In addition to that, it stepped on the toes of this invisible power that seems to operate in every town of the United States clear up to the Capital of the United States—the great power monopoly. The time is going to come when there is going to be branded “P. M.”—power monopoly—on every man's breast who works in secret or in the open to prevent the operation of the Government's plants at Muscle Shoals. We can not fool ourselves any longer. The American people are going to catch up with somebody. We can not fool about here and allow this monopoly to get away with it. The people of this country are going to recognize it. [Applause.]

Here we are to-day in a sad plight—people calling for help in every direction, people hungry, you have them walking the streets barefoot, men and women in starvation and children crying for bread, and yet you are at this time strangling a bill that would start the development in the territory that is stricken. You would start the business up and put the Government on its feet.

Yet this bill is being strangled, and I say it is being done at the behest of the power monopoly of this country.

The organization of the House under the present rule of hamstringing and skulldugging a great bill into hopeless death. Do you know that if the bosses of this House of Representatives would say, “Well, bring that meritorious bill out of committee,” it would have been done long ago. They might speak a word to bring it out now. Brother WURZBACH voted to have it out three weeks ago, but it was strangled, while the people of the country are starving and crying for something to eat.

Consistency! Why yesterday I was humiliated to see men on this Republican side of the House stand up and use ugly language against what they voted for in 1919. In that year I saw my bellicose friend from Indiana [Mr. Wood] stand up and make a motion to have the \$100,000,000 that was to be put in the President's hands to have Mr. Hoover feed hungry people in Europe paid over to the Red Cross, and Brother LONGWORTH and Brother SNELL and Brother TILSON voted with him. I want to say that in that vote yesterday they turned about and voted against what they voted for back in 1919. Why one of them said that we are assassinating the Red Cross. What in the devil were the Republican Members of this House doing in 1919 when they tried to put \$100,000,000 into the hands of the Red Cross to spend in Europe? Were you murdering and assassinating the Red Cross when you were attempting to do that 12 years ago?

And I say that there are many Republicans on this floor who voted to send money out of the Treasury over to Russia and over to Germany. Yet they say they could not vote to help these poor starving people in the United States, and that we are insulting the Red Cross when we ask them to handle a few dollars for the starving men and women in the cities and towns of this Republic. How are these men going to explain that when they go back home to their constituents? Not only that, but how can they look into the faces of their little children that have plenty and see those poor little children in rags in Arkansas and in other States, and their mothers standing begging for bread and their daddies walking around barefooted with no overcoat to keep them warm? How can they get up and accuse one of being an assassin when he is asking this Government to reach out with \$25,000,000 to feed the hungry?

I wonder what the Savior, Christ, would say if He should come down and reckon with them. Would He say, "Woe, ye generation of hypocrites and vipers," as He did when He took His scorpion whip and ran the thieves out of the temple in the great city of Jerusalem? What would He say of this great rich country, that can hand back \$100,000,000 and \$50,000,000 to certain great taxpayers but that can not give a few paltry dollars to the suffering and unfortunate women and children in this Republic who are dying because of the great disaster, over which they had no control? Where will these people stand when they walk into the edifice and the man of God stands up and says, Good will on earth to all men? Where will they stand on the last day when the angel Gabriel puts one foot on the sea and the other on the land and blows his trumpet and they rise up out of their graves to be judged for the deeds done in the body? Where will they stand when God takes away from them the vitality of life and tells them that they are to be judged for what they did as Members of the United States Congress and He asks them whether they were for the people or were against them? [Applause.]

The Senate Joint Resolution 49, to which Mr. QUIN referred, together with the proposed conference sections, are as follows:

Senate Joint Resolution 49

Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes

Resolved, etc., That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Muscle Shoals Corporation of the United States" (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the "Muscle Shoals act of 1929."

SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

(e) Each of the members of the board shall be a citizen of the United States and shall receive compensation at the rate of \$50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

(g) The board shall direct the exercise of all the powers of the corporation.

(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy

said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of \$50,000 per annum, to be apportioned and fixed by the board.

SEC. 4. Except as otherwise specifically provided in this act, the corporation—

(a) Shall have succession in its corporate name.

(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

(c) May adopt and use a corporate seal, which shall be judicially noticed.

(d) May make contracts, but only as herein authorized.

(e) May adopt, amend, and repeal by-laws.

(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

SEC. 5. The board is hereby authorized and directed—

(a) To operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer or any of the ingredients comprising fertilizer for experimental purposes;

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

(c) To arrange with farmers and farm organizations for large scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To cooperate with national, State, district, or county experimental stations or demonstration farms for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction;

(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

(f) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

(g) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose

of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

(i) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

(k) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

(l) To produce, distribute, and sell electric power, as herein particularly specified.

(m) No products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

Sec. 6. In order to enable the corporation to exercise the powers vested in it by this act—

(a) The exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby entrusted to the corporation for the purposes of this act.

(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

Sec. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

(b) The corporation shall at all times maintain complete and accurate books of accounts.

Sec. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than \$2,500 a year.

(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

Sec. 9. The board is hereby empowered and authorized to sell the surplus power not used in its operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers: *Provided further*, That all contracts made with private companies or individuals for the sale of power, which power is to be resold for a profit, shall contain a provision authorizing the board to cancel said contracts upon two years' notice in writing, if the board needs said power to supply the demands of States, counties, or municipalities.

Sec. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance of Muscle Shoals.

Sec. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power to

construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 30 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *Provided further*, That all contracts entered into between the corporation and any municipality or other political subdivision shall provide that the electric power shall be sold and distributed to the ultimate consumer without discrimination as between consumers of the same class, and such contract shall be void if a discriminatory rate, rebate, or other special concession is made or given to any consumer or user by the municipality or other political subdivision: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission; the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

Sec. 12. Five per cent of the gross proceeds received by the board for the sale of power generated at Dam No. 2, or from the steam plant located in that vicinity, or from any other steam plant hereafter constructed in the State of Alabama, shall be paid to the State of Alabama; and 5 per cent of the gross proceeds from the sale of power generated at Cove Creek Dam, hereinafter provided for, shall be paid to the State of Tennessee. Upon the completion of said Cove Creek Dam the board shall ascertain how much excess power is thereby generated at Dam No. 2, and from the gross proceeds of the sale of such excess power 2½ per cent shall be paid to the State of Alabama and 2½ per cent to the State of Tennessee. In ascertaining the gross proceeds from the sale of such power upon which a percentage is paid to the States of Alabama and Tennessee the board shall not take into consideration the proceeds of any power sold to the Government of the United States, or any department of the Government of the United States used in the operation of any locks on the Tennessee River, or for any experimental purpose, or for the manufacture of fertilizer or any of the ingredients thereof, or for any other governmental purpose. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporation, after deducting the cost of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

Sec. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

Sec. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace.

Sec. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

Sec. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mis-

Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all States agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

SEC. 17. The corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulae, and scientific information (not including access to pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient of fertilizer, and any patentee whose patent rights may have been thus in any way copied, used, or employed by the exercise of this authority by the corporation shall have as the exclusive remedy of a cause of action to be instituted and prosecuted on the equity side of the appropriate district court of the United States for the recovery of reasonable compensation. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

SEC. 18. The Government of the United States hereby reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fixed nitrogen or fertilizer ingredients is hereby violated, after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation, or any officer or employee of the United States (1) makes entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of \$10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed \$2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1930.

SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 23. That this act shall take effect immediately.

SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved.

Senate Joint Resolution 49

Add at the end of the joint resolution the following new sections Nos. 25, 26, 27, and 28:

"SEC. 25. That for 12 months following the passage of this act the President of the United States is hereby given authority to lease, for a term not exceeding 50 years, to any person, firm, or corporation, the nitrate plants now owned by the Government at Muscle Shoals, Ala. Said lease shall include the Waco quarry, the railroad connecting said quarry with nitrate plant No. 2, and other structures connected therewith and necessary for the operation of said railroad, for the operation of said Waco quarry, and for the operation of said nitrate plants Nos. 1 and 2, but not including steam-generating plants. The lease shall also include the machinery, tools, and equipment connected with said quarry, said railroad, and said nitrate plants; also, the houses and residences in the vicinity of said quarry and said nitrate plants for the purpose of housing the employees and others needed in the operation of said quarry, said railroad, and said nitrate plants, but not including houses and buildings connected with either of said

steam plants and used and occupied or useful for the occupation of employees and others operating said steam plants. Said lease shall be made upon the following conditions, to wit:

"(a) The rental to be paid for the leasing of such property shall be in such amounts and payable at such times as in the judgment of the President shall be fair and just.

"(b) The lessee shall covenant to keep said property in first-class condition during the entire term of said lease.

"(c) The lessee shall covenant to operate said plants and use said property exclusively in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer: *Provided, however,* That if in the manufacture of fertilizer or fertilizer ingredients a by-product is produced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of such by-product as the lessee shall see fit, and shall likewise have authority to process such by-products so as to prepare them for the market.

"(d) Said lease shall also provide that there must be manufactured under said lease annually at least a prescribed amount of nitrogenous plant food of a kind and quality and in a form available as plant food and capable of being applied directly to the soil in connection with the growth of crops; and that such lease shall also contain a stipulation requiring the lessee to produce within three years and six months from the date such lease shall become effective, such fertilizer bases or fertilizers containing not less than 10,000 tons of fixed nitrogen, and shall require periodic increases in quantity of such fertilizer bases or fertilizers from time to time as the market demands may reasonably require. Such lease shall also provide that such increases shall, within 12 years after such lease becomes effective, reach the maximum production capacity of such plant or plants as the board may find to be economically adapted to the fixation of nitrogen, if the reasonable demands of the market shall justify the same, except when the nitrogen produced is required for national defense, or when the market demands for the same are satisfied by the maintenance in storage and unsold of such fertilizer bases or fertilizers containing at least 2,500 tons of fixed nitrogen, but whenever said stock in storage shall fall below the quantity containing 2,500 tons of fixed nitrogen the production of such nitrogen and the manufacture of such fertilizer bases or fertilizers shall thereupon be resumed. Said lease shall also provide that the sale of such fertilizer or fertilizer ingredients to be used as fertilizer by the said lessee shall be at a price to include the cost of production and not exceeding 8 per cent profit on the turnover produced, and the cost shall include whatever may be paid to the Government for the use of that part of Government property employed by the lessee in manufacturing such fertilizer or fertilizer ingredients to be used as fertilizer and also not exceeding 6 per cent on any capital invested by the lessee in improvements to existing plants or in additional plants employed in the manufacture of fertilizer or fertilizer ingredients to be used as fertilizer, and shall include a reasonable actual carrying charge (exclusive of 8 per cent profit thereon) on the stocks of such fertilizer and fertilizer ingredients as are held in storage and unsold for a year or more as the market demands as above provided shall be satisfied. There shall not be included as part of the cost of producing such fertilizer or fertilizer ingredients any royalty for the use by such lessee of any patent, patent right, or patented process belonging to the lessee, or in which the lessee has any interest, or belonging to any subsidiary or allied corporation, or belonging to or controlled by any officer or agent of the lessee or of any such allied or subsidiary corporation, and if the lessee should buy any patent, patent right, or patented process with the hope and expectation of thereby reducing the cost of manufacturing such fertilizer or fertilizer ingredients, or of processing any by-product as hereinbefore permitted, then such sum of money as shall be so paid by the lessee shall be considered and treated in the accounting of the cost of such fertilizer or fertilizer ingredients as investment in the nature of plant account, and not as current expenses, and such costs shall be written off on the expiration of any junior patent or license so acquired. For the annual determination of the cost of such fertilizer and fertilizer ingredients there shall be appointed by the board a production engineer, and by the lessee another production engineer and by these a firm of certified public accountants, and these three shall proceed to ascertain and compute the cost of producing such fertilizer and fertilizer ingredients; and in the event of any disagreement the two said engineers shall select a third production engineer who shall hear and consider the contentions and decide the issues, and such decisions shall be binding upon all parties for the year for which the determination shall have been made. A copy of such audit and decision shall be filed each year with the board and by it preserved. The expenses incident to this provision shall be paid by the lessee and shall be charged as an item in the cost of producing such fertilizer or fertilizer ingredients. If such annual cost determination discloses that any purchasers have paid a cost for fertilizer or fertilizer ingredients in excess of that allowable under this act, then the lessee shall refund such cost to the respective purchasers.

"(e) The said lessee shall give to the said corporation a good and sufficient bond, to be approved by the President of the United States, conditioned upon monthly payments to the corporation during the term of said lease for all the power sold by the said corporation to the said lessee.

"SEC. 26. The corporation hereinbefore referred to, operating the steam plants at Muscle Shoals and Dam No. 2, and any other steam or hydroelectric-power facilities which may hereafter be constructed or built as hereinbefore provided in this act, shall

supply the said lessee with electric power necessary for the operation of the properties leased for the manufacture of fertilizer and ingredients of fertilizer to be used as fertilizer at a price which shall be deemed by the President and the board as fair and just.

"Sec. 27. For a period of 12 months after the passage of this act all the provisions of this act relating to the activities of said corporation in the manufacture and production of fertilizer and fertilizer ingredients and to the operation of any of the property authorized to be leased by this act are hereby suspended; and if within said period the President leases the property authorized to be leased, such suspension shall continue during the entire time said lease is in effect.

"Sec. 28. If within 12 months after the passage of this act no lease is made by the President as herein authorized, then authority to make such lease shall cease, and sections 25, 26, and 27 shall, at the end of said 12-month period, become null and void, and all the other provisions hereof which have been suspended for said period of 12 months shall at once go into full force and effect.

"(c) The lessee shall covenant to operate said plants and use such property (exclusively) in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer; and that if in the manufacture of fertilizer and fertilizer ingredients a by-product is produced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of such by-product as the lessee shall see fit, and shall likewise have authority to process such by-products so as to prepare them for the market: *Provided, however,* That if in the manufacture of fertilizer ingredients usable in fertilizer are produced, the lessee shall have the authority to sell and dispose of such product as the lessee shall see fit, and shall also have authority to process such product so as to prepare it for the market, but only if and when the lessee has fully complied with the provisions of the lease prescribing the quantity of fertilizer he must produce."

Mr. MURPHY. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and gentlemen of the committee, I listened with a great deal of interest and attention to the talk given this morning by the gentleman from New York [Mr. SNELL], the chairman of the Committee on Rules. Mr. SNELL is a splendid parliamentarian and I think a great leader. I am one of those who follow him and believe in him very thoroughly, and what I am here saying this afternoon is in no way a criticism of what he said this morning. I think I understand, as he does, the long history of the growth of the rules of this House—how they have grown during the course of many years and out of the experience of men dealing with great affairs. One might compare the growth of the House rules to the growth of a great tree, which is still strong and flourishing, but where here and there you may detect a withered branch. While it is no more my business than it is that of the other Members of this House, it seems to me that in the six years I have been here, serving on five committees during that time, I have detected one of these dead branches, and perhaps after all it is a useful thing for a Member who takes comparatively little part in discussion of matters on the floor to call the attention of the House to what he considers to be such a dead branch.

I am a member of five committees and have been most of the time since I have been a Member of the House of Representatives. I am on the Committee on Banking and Currency. That committee every once in a while has a Calendar Wednesday, where important matters before that committee can be brought to the attention of the House, and where the House can pass upon them after due deliberation. Also, I am a member of the Committee on the Public Lands.

That committee has had that opportunity also, and quite recently. I am a member of the Committee on Insular Affairs, and I have been here on occasions, although they seem to me few, when that committee has had control of Calendar Wednesday, when it has brought to the attention of the House very important matters dealing with our island possessions. I am proud to say also that I am a member of the Committee on the Library, which has had the same opportunity.

The Committee on War Claims is a very active and hard-working committee. During the six years that I have been a Member of the House it has never had this opportunity, and that, in connection with something which was said this morning by the gentleman from Minnesota [Mr. ANDRESEN], brought it to my mind that I would bring to you a very con-

crete example of the hardship which results in the failure of various minor committees to have either a Calendar Wednesday or to be provided with a somewhat different system of handling the bills that come before them.

I call your attention to a very concrete case. Back in 1899 an American army of occupation was in possession of the Philippine Islands. The war was at an end, and a peace treaty was being negotiated, or had actually been negotiated at the time in Paris. There was a large force in the islands. The time of most of the men there had either expired or was about to expire. At that time and under these circumstances many of the people of the islands conceived the idea that while sovereignty had passed from Spain, a new alien sovereignty should not come into control, and so the earlier stage of the Philippine insurrection had begun.

Aguinaldo was thundering at the gates of Manila, and as I say, many of these men were about to be discharged. General Otis was the commanding officer of the American army of occupation in Manila at that time. He had some cablegram correspondence with the War Department and with President McKinley. It is a little vague, a little shadowy, in my mind and in the minds of all of us just what the replies were to General Otis's cablegrams, but as a consequence of the correspondence, General Otis passed the word down to the generals, the colonels, the majors, and the captains in charge of the troops that they were to tell the men that if they would remain for a period of not to exceed six months and take care of the insurrection, which was then at their very gates, they would be looked after in the way of their travel pay. This question of travel pay is rather a technical subject and I do not have time to deal with it here. But in some instances at least companies were called out and the statement of General Otis was passed down by the captains to the men. In some cases the men were addressed thus: "All of you who are willing to remain step across this line." In some instances of which we learned, all of the men stepped across the line. Some of them remained in service 3 months, some 4, some 5, and some 6 months. Finally they were sent home and fresh troops took their places. Of course, naturally the first thing they asked about when they returned home was their travel pay. They were told there was no provision of law for it, but that Congress would undoubtedly take care of it.

Time went on and the Congress did not take care of it and some of the men filed suits in the Court of Claims seeking to recover their travel pay. Then the situation developed that had they been discharged regularly from their service in the Philippine Islands and reenlisted they would have been entitled to their travel pay, but under the regulations and law in force at that time the fact that they were not discharged carried them along in a different status than that of the ordinary soldier, and the Court of Claims held they had no legal claim.

So the matter was dropped, so far as the courts were concerned, but it was brought into Congress time after time. Senator Means, of Colorado, who was one of the officers who made that promise to his men, has had bills of this character before Congress. They have never passed up to this time, but just recently the matter was before the Committee on War Claims. We held long, exhaustive hearings on the matter and we determined that the claim was a just one, and a bill was reported from the committee.

I do not expect this bill to pass Congress this year or next year, and I do not know whether it will ever pass the Congress of the United States, but from all over the United States and for a long time past we have heard about these claims from men now grown old, who have such a claim against the United States.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. HOOPER. I yield.

Mr. JOHNSON of Oklahoma. I am interested in the statement of the gentleman that he does not expect the bill to pass. Will he state why?

Mr. HOOPER. Yes; I will gladly state why.

Mr. JOHNSON of Oklahoma. I have had a great many inquiries with respect to the same matter.

Mr. HOOPER. It is for this reason: The amount will be a comparatively large one. I heard a gentleman the other evening when we were having a hearing of the Private Calendar, say, concerning a bill which carried \$21,000, either from my committee or the Claims Committee, "I must object to that. The amount is too large. It is too large to be brought out in this way."

The reason I am making this speech is, ladies and gentlemen, that that is the only way in which that bill can be brought out in this House. It is a private claim, or rather, there is a series of private claims involved. The bill simply provides the machinery to take care of such claims. It does not appropriate money but it sets up the machinery by which such claims can be taken care of. God knows there is nowhere they can go but to Congress, and any gentleman can get up and say, "This is too large a claim to handle in this way. I object."

Mr. ANDRESEN. Will the gentleman yield?

Mr. HOOPER. I yield.

Mr. ANDRESEN. Can the bill be passed under suspension of the rules?

Mr. HOOPER. The bill could be passed under suspension of the rules, but I think it has been the policy of different Speakers of the House of Representatives of both parties not to recognize bills on the Private Calendar for suspension of the rules.

What I suggest is only a suggestion, for I am not trying to tell this House what to do about the matter and I know the experience of many of the Members is vastly greater than my experience, but I would like to offer what I consider to be at least an idea as to what might be done.

We work hard, or we feel that we do. It is an exciting, tense life. We go to our committees in the morning. We get out our mail in the morning. We come here at noon, and we stay here until 5 o'clock or later, and we dislike to come here in the evening; but would it not be possible, in a long session at least, to have something corresponding to Calendar Wednesday, where we could have at least once or twice a month, if the Members were willing to do it, in the evening between 8 o'clock and 11 o'clock, as we occasionally hear the Private Calendar, an evening corresponding to Calendar Wednesday, where a committee such as the Committee on War Claims, or the Committee on Claims, or other minor committees that get comparatively little attention in this way, might bring their more important bills? The gentleman from Minnesota [Mr. ANDRESEN] has a bill which was reported out of our committee—the bill which was spoken of this morning—where men, during the World War, when a strike was threatened in the great cities of Minnesota, Minneapolis and St. Paul, over the cost of living, over the fact that they thought they were not getting what other men were getting in the same line of work who were making munitions for the Government, were called in by a representative of the United States Government and promised with all the solemnity which might be brought to bear upon such a subject as that that they would receive the differential to which they were entitled, and those men have been waiting year in and year out since that time for the relief which I fear never will come to them, just because one gentleman—and, again, I am not questioning the action of any Member in that regard—but because one gentleman's objection to such a bill can throw it off the calendar for the remainder of the session.

What are we going to do about these things? These matters accumulate; they pile up; they grow; and two-thirds of them—I am not going to exaggerate, but certainly one-third of the matters that come up in this way represent hopes deferred, represent the vanishing hopes of men and women—always growing older—of the coming to them of simple, ordinary, everyday justice; and, as I said the other night in some remarks I made upon this subject, we can combat the forces of evil that are operating from within in this Nation; we can combat them by education; we can combat them by any means at our command, but men and women to whom justice has been denied and continues to be

denied will always have rankling in their hearts a feeling of deep-seated injustice, a deep-seated feeling against the Government—not that it is the Government's fault, because the Government can not help it, but particularly it is the individual who can help it; but because the Government has denied to them in this way the justice to which they are entitled they have that deep-seated feeling against their Government.

Mr. GUYER. I would like to call attention to the fact that in the case of these soldiers in the Philippine Islands it was a physical impossibility for them to be discharged because they were under fire from the beginning to the end.

Mr. HOOPER. I think that is true.

Now, gentlemen of the committee, this may be a very poor suggestion I have made, but I tell you that this House of 435 Members can not—and I repeat what I have said before in this House—act judicially. Any bill of the sort of these two bills I have been speaking about must be considered judicially if proper results are to be obtained. Such a bill ought to be given to the courts to handle. These are only suggestions, but if these committees could have one or two good lawyers from some of the departments of the Government to work upon these matters continuously, to report upon them as a master in chancery reports on a given state of facts in the States where they have such officers, and then allow the committee to sort out the good from the bad, perhaps the House would have more confidence in the findings of the Claims Committee and the War Claims Committee and would be less likely to object—even one Member—to the findings of these honest and conscientious committees.

Mr. ALLGOOD. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. ALLGOOD. I am on the War Claims Committee with the gentleman, and I agree with the statement he has presented, but I wonder if he wants to take away the authority that has been given to certain individual Members to override the will of the Members of this House.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. BRAND.] [Applause.]

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, in the Thursday, January 22, 1931, issue of the Atlanta Constitution, one of the South's leading newspapers, appeared a significant article. I take pleasure and pride in using this time to read it to the House. It is entitled "Hoary-Headed Heroes at Confederate Home Unveil Tablet to 'Yankee' Foe of Sixties":

Confederate veterans, white of head and tottering of step with the weight of passing years, Wednesday unveiled a bronze plaque to a Yankee foe of the sixties.

The tablet honored Alexander H. Wray, of Patchogue, Long Island, N. Y., who had given all of his Federal pension to the Georgia Confederate home since 1907, amounting to more than \$5,000.

Wray was not present for the simple ceremony. Like the veterans of Dixie, the years had brought its infirmities and he could not make the trip to Georgia.

F. H. Colley—

A constituent of mine—

of Washington, Ga., erect despite his 83 years, unveiled the tablet with the assistance of Mrs. John A. Perdue, for 15 years State chairman of the home, and Mrs. Howard McCutcheon, a member of the State plaque committee, of which Judge Peter W. Meldrim, of Savannah, was chairman.

The plaque bore the words: "In 1907 Alexander H. Wray, of Patchogue, Long Island, N. Y., donated to the Confederate Soldiers' Home of this State his pension as a veteran of the Federal Army in the War between the States. For 23 years the donation has been continued, the sum donated now amounting to more than \$5,000. In appreciation of the generosity of the donor and in admiration of his nobility of soul this tablet is erected to a brave foe who was in heart a friend."

The unveiling took place in the library of the Confederate home. Slowly the 30 veterans of the home shuffled into the small room, all that are left of the more than a hundred who a few years ago joked and sang of the days that were, except 15 who lie in the hospital.

Col. R. DeT. Lawrence, State pension commissioner, and himself a veteran of 89 years, officiated at the ceremony.

Mr. Colley read the wording of the plaque, the women unveiled it, there was a stirring old hymn, How Firm a Foundation, an invocation, and the honors had been done.

It was all over in 10 minutes, but not a veteran would take a proffered seat, and almost fatigued by the ceremony they slowly turned to their rooms to await the setting sun.

The donation, Colonel Lawrence said, was due to Wray's comfortable financial circumstances, his belief that the Georgia Confederate veterans were more in need of the money, and because he admired Georgia's soldiers.

On January 23, 1931, the Banner-Herald, a daily paper published in Athens, Ga., my home city, had a leading editorial upon the subject. It called attention to the ceremonies which took place at the Confederate Home of the State of Georgia, located in Atlanta, referred to in the Constitution, and quoted the inscription upon the plaque. The concluding remarks of the editorial, which I heartily indorse, are as follows:

Such a beautiful spirit as shown by this Union veteran deserves the recognition and appreciation of the people of the South, and of all those who wore the gray. The thin gray line, and the thin blue line, will soon pass into the mist of the Great Beyond where they will meet and tent on the camp ground of eternal peace and happiness. No beating drums nor shrill bugle calls will be heard, but the spirit of the Great Prince of Peace will welcome them as brothers into their home until resurrection morning.

These gentlemen, Colonels Colley, R. DeT. Lawrence, and Judge Meldrim, representatives of the old South; and Mr. Wray, representative of the North, reflect the highest type of the American soldier, and exemplify, in the sublimest degree that magnanimity and brotherly love, which should, and I hope will, abide forever in the hearts of the people of the North and the people of the South. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, during the speech of my friend from Mississippi [Mr. QUINN], I tried to to interrupt him for a moment but his time was so short that he was not able to yield. I am one of those who would like to see this Muscle Shoals problem behind us. I would like to see it settled, and I am one of those who want, if possible, to vote for the conference report if one is made at this session of Congress.

It is unnecessary for me to say that I do not speak for the President. Personally I have never talked with him about this subject of Muscle Shoals. I do not know whether the gentleman from Mississippi has or not, but the gentleman had read from the Clerk's desk a long telegram from L. W. Miller, managing editor of the Knoxville News-Sentinel, giving extracts from the speech of Mr. Hoover at Elizabethton, Tenn., when he was a candidate for the Presidency, and then extracts from a statement which appeared under the name of the editor in the Knoxville News-Sentinel and a subsequent statement which was given out from Mr. Hoover's headquarters in Washington on October 8, 1928, and appeared in the papers of the country on the following day. In that telegram the President, or the then candidate, Mr. Hoover, is quoted, among other things, as having said:

There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and the nitrate plants. The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national-defense reserve. After these purposes are satisfied there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interest. I entirely agree with these proposals.

This was a part of a statement issued from the headquarters of the then candidate for the Presidency, Mr. Hoover, here in Washington on October 8, 1928, following his speech at Elizabethton.

After the reading of this long telegram, the gentleman from Mississippi [Mr. QUINN] drew from these statements certain conclusions as to what he thought the position of the President would be toward any conference report that might be filed relating to Muscle Shoals.

In order that the record may be complete, as I said when I asked the gentleman from Mississippi to yield, I wish to read into the RECORD an interpretation of this statement made at the time it was issued by a special correspondent of the New York Times, which appeared in the issue of the Times under date of October 9, 1928.

After referring to the speech at Elizabethton and the article in the Knoxville paper, and the subsequent statement of Mr. Hoover, the Times article says:

The publication of a conversation which Edward J. Meeman, editor of the Knoxville News-Sentinel, had with Mr. Hoover at Elizabethton, Tenn., on Saturday led up to to-night's declaration by Mr. Hoover. The News-Sentinel article said he was in favor of the continued Government ownership and operation of the famous Tennessee River project. It was noted that in to-night's statement there was no reference to operation except for agricultural experimentation and the purposes of national defense.

The Norris bill, which called for Government ownership and operation of the Muscle Shoals properties failed, it was noted here, as a result of a pocket veto by President Coolidge. The President, under the circumstances, was not called on to state his reasons for the action taken, but it was pointed out that the Hoover statement clearly implies that Mr. Hoover agrees with his position.

Mr. Chairman, I do not know whether the gentleman from Mississippi ever saw this article in the Times or not, but it is an interpretation of the position of the President made on the same day that the statement was issued. I repeat that I have no authority to speak for the President and I have not discussed with him his position on this Muscle Shoals matter, but it seemed to me that the record to be full and complete and in justice to the President should contain this extract from the article in the Times which I have quoted. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, last April I introduced a bill (H. R. 11760) for the relief of Ellen N. Nolan, which, with the report, I would like to have inserted in my speech at this point.

The CHAIRMAN. Without objection, it is so ordered.

The matter referred to follows:

A bill for the relief of Ellen N. Nolan

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ellen N. Nolan, the sum of \$2,500 as compensation for injuries sustained by being knocked down and injured by an automobile truck belonging to the Post Office Department.

[Report No. 2111, House of Representatives, Seventy-first Congress, third session]

ELLEN N. NOLAN

Mrs. LANGLEY, from the Committee on Claims, submitted the following report (to accompany H. R. 11760):

The Committee on Claims, to whom was referred the bill (H. R. 11760) for the relief of Ellen N. Nolan, having considered the same, report thereon with a recommendation that it pass with the following amendments:

In line 6, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$2,500."

At the end of the bill add the following:

"Provided, That no part of the amount appropriated in this act in excess of \$150 shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of \$150 on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

STATEMENT OF FACTS

The purpose of this bill is to reimburse the claimant for personal injuries suffered as a result of being struck by a post-office truck in Cambridge, Mass., on January 28, 1930. The report of the Post Office Department states that the accident was due to the negligence of the truck driver.

All of the evidence containing the facts in this case is made a part of this report as follows:

POST OFFICE DEPARTMENT,
Washington, D. C., May 15, 1930.

Hon. ED. M. IRWIN,

Chairman Committee on Claims,

House of Representatives.

MY DEAR MR. IRWIN: In compliance with the request of your committee dated April 21, 1930, there are transmitted herewith for consideration with H. R. 11760 all papers on file in the department relating to the claim of Miss Ellen N. Nolan in the sum of \$5,000 on account of injuries sustained on January 28, 1930, at Cambridge, Mass., in an accident involving a United States mail truck.

The evidence disclosed in the investigation of this case shows that the claimant had walked out from the sidewalk to a point near the street-car tracks with the intention of boarding an ap-

proaching street car. However, the street car went by without stopping and the claimant thereupon attempted to walk back to the sidewalk, and had only taken a step or two when she was struck and knocked down by the mail truck which had been standing double-parked adjacent to the scene of the accident while the postal chauffeur collected mail from a letter box, and which had just started from that position as the claimant attempted to cross in front of it. The postal chauffeur's excuse for the accident is that the claimant was entirely concealed from his view by the framework of the windshield of his truck. It would appear that the accident was largely attributable to the postal chauffeur's negligence.

It is therefore believed that favorable consideration should be accorded this bill. The department would not, however, undertake to recommend any particular amount as constituting a sufficient award, preferring to leave that question for the determination of Congress.

By direction of the Postmaster General.

Yours very truly,

HAROLD N. GRAVES,
Executive Assistant to the Postmaster General.

POST OFFICE DEPARTMENT,
OFFICE OF INSPECTOR,
Boston, Mass., April 29, 1930.

INSPECTOR IN CHARGE,
Boston, Mass.:

This case relates to an accident which occurred at about 5.30 p. m. on January 28, 1930, on Massachusetts Avenue, Cambridge, Mass., involving United States mail truck No. 2919, which was not damaged, and Miss Ellen N. Nolan, of 2 Clinton Street, Cambridge, who sustained personal injury. A diagram of the scene of the accident is herewith. Personal investigation of the case was concluded in this city to-day.

Regular carrier George J. Henick, who operated the mail truck, was engaged on a street letter-box collection at the time of the accident. He stated that he proceeded westerly on the right-hand side of Massachusetts Avenue to collect from the box located opposite 689 Massachusetts Avenue (about 65 feet from the corner of Temple Street); that he believed all of the space at the curb on that side of the street between Temple and Prospect Streets was occupied by automobiles which were parked at an angle toward the curb in accordance with lines marked on the pavement; that he stopped the mail truck close to the rear of parked automobiles so that the rear of the mail truck was about opposite the letter box; that it had been quite dark for about one-half an hour and he was reasonably certain that the head and tail lights on the truck were displayed; that he walked between two parked automobiles to the letter box, removed the mail from the box into a mail sack, returned to the truck and placed the sack into the rear of the truck; that he then walked around the truck, reaching the driver's seat from the right side of the truck; that before starting forward he looked back to see whether any traffic was approaching, but none was in sight, and he observed no street cars; that he did not know whether any street cars had passed while he was engaged in collecting mail from the letter box; that he looked ahead to see whether the way was clear and started forward; that the truck had not moved a foot when he saw Miss Nolan near the left front fender of the truck and facing it, and the said fender came in contact with her; that she did not fall at once, but seemed to hesitate; that it appeared to him that she fell from fright and he did not believe the force of the truck was sufficient to throw her to the pavement that he stopped the truck immediately upon seeing her, and when he reached her side she was lying on her back with her legs up and her head toward Temple Street; that he assisted her to her feet and she brushed dirt from her clothes; that he asked her whether she was injured and she replied that she was severely injured; and that he thereupon obtained a taxicab and she was taken to the Cambridge City Hospital. The carrier stated that it was his opinion that when the mail truck was started Miss Nolan was standing in line with the windshield support on the left side of the truck so that he could not see her. Sworn statements of the carrier are herewith.

Miss Nolan, who is 54 years of age and is a teacher of manual training in the Jefferson School in the Roxbury district of Boston, stated that on January 28 she left the school at about 4.45 p. m. for her home; that she reached Central Square, Cambridge, via a subway car and reached the sidewalk from the exit on the north side of Massachusetts Avenue near the corner of Prospect Street; that she walked westerly on Massachusetts Avenue toward Temple Street and saw two westbound street cars approaching; that an automobile was parked at the curb about 10 feet from the letter box at an angle, and the mail truck was at a standstill behind this parked car; that there was sufficient space between the mail truck and the parked car for two or three persons to walk abreast; that there were several persons at the car stop near the point where the mail truck was standing and she reached the rear of this gathering; that all of the persons who were waiting for the car, with the exception of herself, boarded it, the doors of the street car being closed before she could board; that within a minute or two another car appeared but did not stop, notwithstanding that she was standing at the car stop adjacent to the tracks; that she then turned in the street and started to walk toward the sidewalk, and neither the parked automobile nor the mail truck had moved, and the headlights were not displayed on

the truck; that she was sure that she passed the front of the truck and the right front of it must have struck her; that she was thrown to the pavement and was removed to the Cambridge City Hospital in a taxicab. Sworn statement of Miss Nolan is inclosed.

A copy of the hospital record covering Miss Nolan's case was obtained and is herewith, showing that she was admitted to the Cambridge City Hospital on January 28, 1930, with a fracture of the left pelvis; and that on March 8, 1930, she was discharged, in an improved condition, to her own doctor for baking and massage. Statement of Dr. Arthur F. Sargent, this city, covering his treatment is herewith.

There were no witnesses to the accident, and a conclusion as to responsibility for the same must therefore be based upon the statements of the principals. It will be noted that their statements are not in agreement. According to the statement of Miss Nolan, when the second street car passed her without stopping she turned and started to walk toward the sidewalk, and she passed the front of the mail truck and must have been struck by its right front. According to the postal chauffeur's statement, Miss Nolan was facing almost directly toward the left front of the mail truck and its left front fender came in contact with her. Considering the fact that Miss Nolan's left pelvis was fractured, it is apparent that she was not struck by the right front of the truck, as her right side would then have been toward the truck. The fact that her left pelvis was injured makes it apparent that, as stated by the postal chauffeur, she was facing the truck at the time of the accident and was struck as she was in the act of turning toward the sidewalk.

It is possible that when the postal chauffeur started the mail truck Miss Nolan was in such a position in the street that the windshield support on the left side of the truck obstructed his view of her, but, in my opinion, he should have noticed Miss Nolan as he was reaching the driver's seat. While he was undoubtedly at fault in not observing her in the street, it does not appear that he was entirely responsible for the accident. Considering the fact that Miss Nolan has acknowledged that she was not standing still at the time of the accident, but was walking toward the sidewalk, it is evident that she walked into the path of the left front fender of the truck as it started forward. In my opinion, the accident resulted from the fault of both the postal chauffeur and Miss Nolan.

There are inclosed a bill of the Cambridge City Hospital in the amount of \$149.28, and a bill of Doctor Sargent in the amount of \$160. The latter bill includes treatments up to and including April 22, 1930. Both of these bills are chargeable to the accident. In addition, Miss Nolan has lost a considerable part of her salary during the period of her absence from employment. Her salary as a teacher is at the rate of \$2,400 per annum, and for each day's absence \$6 is deducted from her salary. It is shown in the inclosed statement of the assistant business manager of the school committee of the city of Boston that up to June 1, 1930, on which date Miss Nolan expects to resume her duties, the deductions from her salary will have amounted to \$462.

The total of the items referred to is considered in excess of \$500, the maximum provided for in section 59 of the Postal Laws and Regulations; and in discussing the matter with Miss Nolan she stated that she would not consider a settlement in the sum of \$500, as she had been informed that Congressman DALLINGER intended to introduce a special bill for her relief. It is noted that in transmitting the case for investigation the solicitor stated in communication dated March 8, 1930, herewith, that Congressman DALLINGER had advised that a special bill would be introduced for Miss Nolan's relief.

Under these circumstances, it is recommended that the case be returned to the department for further consideration.

C. M. NELSON, Inspector.

Expenses connected with auto accident to Ellen N. Nolan, 2 Clinton Street, Cambridge, Mass., January 28, 1930

Hospital, Cambridge city	\$149.28
Surgeon, Doctor Sargent	250.00
Salary loss, city of Boston	570.00
Salary loss, summer position	175.00
Assistance—help, etc.	345.00
Advice and counsel	150.00
Interest on borrowed money	5.00
Taxi service to doctor's office, etc.	40.00
Cleansing wearing apparel	2.50
Special corsets	14.25
Drugs, liniments, prescriptions, etc.	50.00

Total 1,751.03

The above is a true statement.

ELLEN N. NOLAN,
Cambridge, Mass.

Sworn to before me this 22d day of November, 1930.

[SEAL.]

MARY L. McALLISTER,
Notary Public.

BOSTON, MASS., November 22, 1930.

To Arthur F. Sargent, M. D., Dr.:

For professional services rendered to Miss Ellen N. Nolan, 2 Clinton Street, Cambridge, Mass., from January 30 through November 21, 1930, \$250.

THE SCHOOL COMMITTEE OF THE CITY OF BOSTON,
April 29, 1930.

To whom it may concern:

Miss Nellie N. Nolan, 2 Clinton Street, Cambridge, a teacher of manual training in the Jefferson School, has been absent because of personal illness from January 29, 1930. In all probability she will not return to school this term. During this period she will have lost the following amounts:

January	\$18
February	90
March	126
April	102
May	126
June	108
Total	570

Respectfully yours,

J. GEORGE HERLIHY,
Assistant Business Manager.

CAMBRIDGE CITY HOSPITAL,
Cambridge, Mass., April 24, 1930.

COPY OF HOSPITAL RECORD

Ellen Nolan: Admitted January 28, 1930; discharged March 8, 1930; diagnosis, fracture of left pelvis.
Chief complaint: Pain in left hip and groin.

Present illness: Patient states she was struck by a mail truck. Was brought into hospital to-day complaining of pain in left hip. Admitted from the accident floor.

Physical examination: A well developed and nourished woman of 54 years lying in bed conscious and rational. Thorax, 2-inch red naevus with papillary elevations about 4 inches below right axilla. Extremities, tenderness in left groin on pressure over pubis. No limitation of motion in hip joint, but patient can not stand because of pain deep in left groin. No tenderness over hip joint or along femur.

January 28, 1930: Seen by Doctor Sargent at patient's request, having considerable pain in groin on the left radiating through to lower pelvis. Abdomen negative. Forced motions of left hip painful.

January 29, 1930: Condition satisfactory.

January 30, 1930: Still having considerable trouble. Put on a frame.

January 31, 1930: Patient more comfortable.

February 1, 1930: Comfortable.

February 4, 1930: Condition satisfactory.

February 8, 1930: No discomfort and hip motions O. K. Report of X ray taken on January 28: "Fracture left pubes horizontal and vertical rami."

February 12, 1930: Condition satisfactory.

February 16, 1930: General condition O. K.

February 20, 1930: In pain. Condition satisfactory.

February 24, 1930: Improved.

February 28, 1930: No discomfort.

March 1, 1930: Allowed to sit up in chair for two hours.

March 4, 1930: Has had considerable discomfort since getting out of bed. Advised to get crutches and start walking.

March 8, 1930: Check up X rays show satisfactory healing. Patient discharged to own doctor for baking and massage. Is complaining of considerable backache and examination shows considerable limitation of motions in lumbar region. Will need support to back which has been fitted to-day. Patient discharged to-day improved.

CAMBRIDGE CITY HOSPITAL.

BOSTON, MASS., April 15, 1930.

Mr. C. M. NELSON,
Post Office Inspector, Boston, Mass.

DEAR SIR: Replying to your letter of March 28, 1930, regarding Miss Ellen N. Nolan of 2 Clinton Street, Cambridge, Mass.

Miss Nolan was injured on January 28, 1930, being struck, according to her story, by a United States mail truck. As a result of this injury she received a fracture of the pelvis and a secondary back strain. She received treatment by me at the hospital from the day of her injury up to March 8, 1930, when she was discharged from the hospital. Since that time she has been treated by me at my office and is still under treatment.

She has not yet been advised to return to her work because of the continuation of her back pain due to secondary degree back strain following a fracture of the pelvis.

Inclosed you will please find an itemized bill for services rendered to date. I believe that Miss Nolan should be able to resume her duties in about another three or four weeks. Her work requires considerable standing, and it is when on her feet that her back pain is most marked.

If there is any further information you desire, please do not hesitate to call upon me.

Very truly yours,

A. F. SARGENT.

Mr. DALLINGER. In brief, this is a bill for the relief of a poor school-teacher in the city in which I live who was severely injured, possibly injured for life, by a truck owned and operated by the Post Office Department of this Government. It was such a clear case that the Post Office Department admitted liability and the Committee on Claims made a unanimous report in favor of the bill.

This bill is on the Private Calendar of this House. There are 19½ pages of bills ahead of this one, and there is not a chance in the world that this perfectly just bill will be reached before the expiration of this Congress. So, as this poor woman's Representative, I shall have to begin all over again, with the chance that in the next Congress the bill will not become a law.

There is another bill, for the relief of another constituent of mine, that was not introduced by me, but was introduced by the gentleman from Illinois [Mr. IRWIN], chairman of the Committee on Claims, at the request of the War Department. You will notice in connection with the Private Calendar there are a lot of bills introduced by the chairman of the Committee on Claims, bills not from his district, not bills in which as a Representative he has any particular interest, but bills introduced by him at the request of executive departments of the Government to do justice to people all over this country. The bill I refer to is H. R. 13086, for the relief of Alexander H. Bright, and I ask unanimous consent to have this bill and the committee's report inserted in my speech at this point.

The CHAIRMAN. Without objection, it is so ordered.

H. R. 13086

A bill for the relief of Alexander H. Bright

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle, adjust, and certify to Congress the claim of Alexander H. Bright in the sum of \$573.50 in full settlement for damages to his Moth airplane by an Army airplane at Boston, Mass., on November 16, 1929.

[Report No. 2266, House of Representatives, Seventy-first Congress, third session]

ALEXANDER H. BRIGHT

Mr. IRWIN, from the Committee on Claims, submitted the following report (to accompany H. R. 13086):

The Committee on Claims, to whom was referred the bill (H. R. 13086) for the relief of Alexander H. Bright, having considered the same, report thereon with a recommendation that it do pass.

The report of the War Department sets forth all of the facts in this case and is favorable with regard to the passage of this bill.

WAR DEPARTMENT,

Washington, June 14, 1930.

THE SPEAKER HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is inclosed the draft of a bill to authorize the Comptroller General of the United States to settle, adjust, and certify to Congress the claim of Alexander H. Bright for damages to his Moth airplane amounting to \$573.50, as the result of a collision with an Army airplane at Boston, Mass., on November 16, 1929, which the War Department presents for the consideration of the Congress with a view to its enactment into law.

The records of the War Department show that Mr. Bright's Moth airplane, after having made a landing on the northeast corner of the Boston Airport, was struck by an Army PT plane piloted by Lieut. Charles Clark, Air Corps Reserve, who landed behind the Moth and a little to the left, rolling into the Moth, causing the damage.

The accident was investigated by a board of officers whose findings are as follows:

"(a) That the pilot of the Moth airplane was in no way responsible for the accident and feels that he should be reimbursed by the Government for the repair work to the extent enumerated above.

"(b) That Lieutenant Clark had observed the usual precautions in making his landing, after having been on a duly authorized 'inactive duty' flight.

"(c) The accident was unavoidable due to the fact that the Moth plane was flying in such a position below him as to be hidden from his view due to the blind spots and to the further fact that his attention was of necessity concentrated to some degree on the O2-K plane on the landing runway.

"(d) In view of this finding, Mr. Bright, the owner of the Moth airplane, was informed that the board would recommend and award and was requested to present in writing a statement as to the actual cost of the repairs made to his plane and also indicate whether or not he would accept a sum of \$500 in complete settlement of it in case the total cost of these repairs should exceed that amount.

"(e) Mr. Bright having submitted the bill, showing the entire cost to have been \$573.50 and the repairs having been confined to those which the board found to be essential, the board is of the opinion that Mr. Bright should be reimbursed by the Government to the full extent of \$573.50 expended."

A complete copy of the board report is inclosed herewith.

This claim was reviewed in the War Department under the provisions of Army Regulations and approved by the Assistant Secretary of War in the sum of \$573.50.

Sincerely yours,

F. TRUBEE DAVISON,
Acting Secretary of War.

MOTH AIRCRAFT CORPORATION,
Lowell, Mass., November 23, 1929.

Sold to Alexander Bright, Boston, Mass.:

Top wing.....	\$185.00
Lower wing.....	225.00
Repairs to cowl.....	75.00
Rear strut.....	14.00
C section wires.....	9.00
C section strut.....	5.50
Trucking in.....	25.00
Assemble.....	50.00
Repairs to aileron.....	10.00
Gas tank.....	60.00
Total.....	658.50
Credit on wings.....	50.00
Credit on gas tank.....	35.00
Total.....	85.00
Grand total.....	573.50

Received payment, November 23, 1929, Moth Aircraft Corporation.

EDW. T. O'TOOLE.

Mr. DALLINGER. Now, here are two classes of bills, one for personal injury suffered by a citizen of this Republic, where the liability of this Government is admitted by the executive officers of the Government; and the other for damage to property, where an airplane belonging to a constituent of mine was damaged by an airplane of the War Department. In the latter case the War Department was so convinced that it was the fault of one of their employees that the Secretary of War asked the chairman of the Committee on Claims to introduce the bill. This bill is on the calendar behind the other one, with 23 pages of bills ahead of it, and there is no chance for the bill to become a law at this session of Congress, and very likely no chance in the next Congress.

These two bills that I have referred to are typical bills for injury to persons and property where there is no doubt about the liability. Most of the Members of the House, at one time or another, have had bills of a similar nature. There are hundreds of bills of this kind where justice is being denied because it is being delayed, and there is an old saying that "justice delayed is justice denied."

We have heard recently considerable talk about changing the rules of the House. It might be well, however, to observe the rules which we already have.

Now, we have a rule, and it has been a rule of the House for years. It is Rule XXIV, section 6 of which reads as follows:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday, except the second and fourth Fridays, the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

In other words, the rules of the House have provided for years that every Friday in the month shall be a Private Calendar day. When I was a student of government in Harvard University I supposed that the House of Representatives lived up to its rules. I have been a Member of the House for almost 16 years, and never in the whole of that time has there ever been a day when that rule has been observed. Not a single Friday in 16 years has the Private Calendar been in order.

The plain intention of the framers of that rule was to give an opportunity for these private bills from the Committee on Claims, the Committee on War Claims, the Committees on Military Affairs and Naval Affairs, and other committees to be reached, discussed, and passed by a majority of the House, the same as in the case of other bills.

Now, various suggestions have been made from time to time to meet the present intolerable situation by some other method than the plain observance of the rule to which I have referred. It has been suggested, for instance, that

claims of citizens against the Government be tried in the Court of Claims or in the United States district courts in the same way as cases for personal injury and damage to property against States, cities, municipalities, and private corporations, and individuals are tried; but Congress has been very jealous of its prerogatives and has refused to deal with claims in that way.

Another suggestion was to include a large number of these private bills in one omnibus claims bill.

You will remember that formerly private pension bills were introduced and acted upon separately, and the same situation arose as has arisen in the case of private claims. The soldiers of the country, however, were organized, and through their organizations they finally demanded that Congress act upon these private pension bills. The result is that for many years we have reported to us, both from the Committee on Pensions and from the Committee on Invalid Pensions, omnibus bills containing many private pension bills and which pass both branches of Congress and are signed by the President.

Unfortunately, however, the individual private claimants have no organization. They are individual citizens, and there are not enough of them to compel this method of relief; however, when it was tried, it was found that when an omnibus claims bill was passed by the House—so I am told by Members who were here 25 or 30 years ago—in the other body the bill would be amended by adding many unjustifiable claims which the House conferees would be compelled to accept as the price of seeing the enactment of any bill at all. For this reason the method of an omnibus claims bill was abandoned.

Mr. GARBER of Oklahoma. If I understand the gentleman correctly, the difficulty is not with the rule, but with the administration of the rule.

Mr. DALLINGER. Absolutely.

Mr. GARBER of Oklahoma. What steps in the judgment of the gentleman are necessary to take to insure the enforcement of the rule?

Mr. DALLINGER. As I have said, Congress has been jealous of its prerogatives and has refused to allow the Court of Claims or the United States district court to deal with these claims. Moreover, the House has refused to pass any more omnibus claims bills because of the abuse that arose, to which I have referred. The remedy is to carry out the plain purpose of Rule XXIV, which all these years has been ignored.

What has happened is this: For the 15 years during which I have been a Member of this House, this rule has been absolutely ignored. There never has been a Friday that I recall in my service here when the House has resolved itself into a Committee of the Whole for the consideration of the Private Calendar, in accordance with the plain intent of Rule XXIV, except in the case of omnibus pension bills. Once in a while, owing to the pressure from Members, we are permitted to have an evening when the Private Calendar is called, but only bills on that calendar that are unobjected to, and no matter how meritorious a bill is, if a single Member objects, that bill can not even be considered.

Now, my colleagues, if, in the opinion of the leaders of the House, in justice to more important measures, it is not practicable to carry out the spirit of Rule XXIV and have every Friday a Private Calendar day, we could at least once a month have one Friday for the consideration of bills on the Private Calendar, when the Speaker would recognize the party leader or the chairman of the Committee on Claims to make a motion to go into the Committee of the Whole House on the state of the Union for that purpose. Then the whole calendar could be gone over, the number of each bill called, and if any Member wished to inquire about it or wanted to discuss the matter, he could say "Pass." That is what we do in the Massachusetts Legislature. The bill would then be passed over temporarily, but it would enable a great many of these bills to which there is no objection and which now are never reached to be passed in the House and sent to the Senate. After the entire calendar had been gone through and those bills which were unobjected to had

been passed, we could return to the beginning of the calendar and proceed to consider the other bills. Then, if a majority of the House, after discussion, voted to pass them, they could be passed by majority vote the same as in the case of other bills.

Mr. Chairman, the present system is absolutely contrary to the principles underlying our whole system of government. It is not a government by a majority, but is a tyranny of one man or, at the best, an oligarchy of two or three men who set themselves above the committees of the House. The only time that the Private Calendar has been called this session was on a Friday evening. Here you have almost 40 pages of bills, and only two or three pages were called. As I understand it, 50 or 60 bills were called and only 20 were passed. Is that right?

Mr. IRWIN. That is correct.

Mr. DALLINGER. The whole system is wrong. As has been said to-day on the floor of the House, continually, year after year, denying to worthy individuals in every congressional district in the country the justice that is due them is causing a feeling that the Government of the United States does not desire to do justice to its citizens.

Recently the Post Office Department was given additional appropriations for the purchase of post-office trucks. They are introducing them everywhere. Some time ago I took occasion to look into the question of the people who were killed and injured by automobile trucks, and in the great city of New York the testimony showed that injuries to persons, causing death or permanent injury, from trucks operated by the Post Office Department were proportionally many times more numerous than in the case of trucks operated by other persons or corporations, because the drivers of post-office trucks are anxious to carry the mail as quickly as possible and frequently do not observe the traffic regulations. Inasmuch as the Government, through its agents, is more and more operating automobile trucks in the streets of our cities and upon our highways, injuring, maiming, and killing citizens of the United States and damaging their property, it is about time that the intolerable situation which now exists should be remedied by the House of Representatives, representing the people of the United States, observing its own rules. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield one minute to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Chairman, ladies, and gentlemen, I wish to call your attention to a bill which I introduced, H. R. 9333, and which the Committee on War Claims has favorably reported with certain amendments. In brief it provides for the payment of travel pay for certain troops who were in the Philippine Islands in 1899, who were all United States volunteers enlisted for the period of the War with Spain under a call of the President of the United States. These officers and troops were enlisted in pursuance of section 1, act of April 22, 1898, as follows:

That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent * * * *Provided*, That all enlistments for the Volunteer Army shall be for a term of two years, unless sooner terminated, and that all officers and men composing said Army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

This bill is for the relief of officers and soldiers of the service of the United States who, after the conclusion of the war with Spain, voluntarily remained in service in the Philippine Islands for a period of several months to suppress the insurrection in the Philippines, which began in February, 1899. When the insurrection broke out near Manila the United States had no troops adequate for the suppression of the insurrection and the protection of Manila except these volunteers of the war with Spain, and in this dire necessity of the Government these men were requested by the United States Government to remain in the service in defense of their Government, and in the negotiations looking toward this end the following cable correspondence was exchanged between The Adjutant General, General Corbin, at Washington, and General Otis, who commanded in the Philippine

Islands. On March 6, 1899, The Adjutant General cabled, quoting section 15 of act of March 2, 1899, in part, as follows:

Section 15 of the Army bill reads in part as follows:

"That the President is authorized to enlist temporarily in service for absolutely necessary purposes in the Philippine Islands volunteers, officers and men, individually or by organization, now in those islands and about to be discharged, provided their retention shall not extend beyond the time necessary to replace them by troops authorized to be maintained under the provisions of this act and not beyond a period of six months."

The President inquires as follows:

"If we are not able to get you sufficient forces to replace volunteers under your command before exchange of ratification of treaty, will you be able to enlist your present volunteer force under this section?"

On March 16, 1899, General Otis replied as follows:

"Believe after inquiry majority volunteer organizations willing to reenlist for six months from ratification of treaty, provided that upon original discharge are paid traveling allowances to places of muster in, and that after expiration of second enlistment they are transported to those places by United States."

In short, these soldiers and officers remained in the service and suppressed the insurrection, and the conditions contained in the cablegram of General Otis was in substance a statement of the law then in effect governing travel-pay allowances to officers and men honorably discharged and who were again appointed or who reenlisted. The latter part of March these troops, having signified their willingness to come to the aid of the Government in this emergency, were ordered forward in a general advance against the insurrectionists, and for about four months were under fire and in actual combat, during which they wrote a brilliant page in the military annals of our country, worthy of the best traditions of the American soldier. They fought under the most adverse conditions; and when the treaty of peace was finally ratified on April 11, 1899, these volunteers were in the field, where they remained for months, during which time it would have been impossible physically to sign muster-out rolls and muster-in rolls by which they would have been reenlisted, but when they did this they believed that they were in effect reenlisted and that the promises of their officers, made in good faith, would be properly recognized and made good by their Government, which they had saved millions of treasure and thousands of lives by quelling an insurrection which, if permitted to go unresisted until new troops could have arrived from the States, would have been a national calamity.

No one in authority has ever denied that these gallant men are entitled to this travel pay. However, all agree that it will take an act of Congress to properly authorize its payment. The Court of Claims rendered a decision in 1908 as follows:

It is a moral obligation on the part of the Government but not a legal one. The Government owes this money to the Philippine veterans, and Congress will be derelict in its duty if it does not pass an act appropriating sufficient money to pay to these veterans, the members of these volunteer regiments, the money they are entitled to, and if President McKinley had lived doubtless he would have seen to it that Congress passed this act.

It is the duty of this Congress to pay this long-overdue debt this Nation owes to these soldiers. The fact that it is a moral obligation makes it none the less obligatory. The Committee on War Claims has performed its duty in a patriotic manner, and the chairman of the committee is convinced of its justice, as is the chairman of the subcommittee to which it was referred, the gentleman from Michigan [Mr. HOOPER], who has spoken so eloquently in its favor on this floor.

It has now been a third of a century since the beginning of this war, and the men engaged in it are no longer young. Their service in the swampy jungles of the Philippines undermined their health, and this small sum coming in their advancing age would be a blessing on them and a benediction upon their country for an act of delayed justice. This Government can afford to pay these veterans, but it can not afford to deny them justice, for it is a debt of honor the Nation owes to men who nobly did their duty in 20 battles for their country. Many of them achieved immortal glory for heroic behavior and gallantry in the field. The Twentieth Kansas is included in those who are

entitled to this travel pay. Kansas has long been proud of what became known as "the Fighting Twentieth." It had a distinguished roster of officers who have attained rare distinction. Its first colonel, Frederick Funston, along with Edward White and William B. Trembly, were awarded the congressional medal of honor, the highest honor granted by Congress, for gallantry at the crossing of the Rio Grande.

Colonel Funston was soon after promoted to Brigadier General of Volunteers, and Maj. Wilder S. Metcalf succeeded him as colonel. Lieutenant Colonel Little became a Member of Congress and was my predecessor. At the time of his death General Funston was ranking major general of the United States Army. Clyde Wilson and Frank Dodds performed prodigious feats of valor as scouts and sharpshooters. Other States had troops of like valor who added glory to the military history of their country and who likewise are entitled to this promised travel pay, and this Congress will not have done its duty if it fails to pass this act.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Iowa.

Mr. COLE. How much money is involved in this bill?

Mr. GUYER. That is problematical. Ten thousand men are involved. Some would receive more than others, depending on where they enlisted. Probably between three and five million dollars.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Kansas.

Mr. STRONG of Kansas. Mr. Chairman, it seems to me that such a question should not be asked by the gentleman from Iowa. If the Government owes these men, it should be paid, whether it is \$10 or \$10,000,000. Objection should not be based on the amount due.

Mr. COLE. I had no intention to criticize. I favor the bill. My State has a regiment that was in the Philippines. I was only curious to know the amount involved.

Mr. STRONG of Kansas. I know the gentleman did not base any objection on that ground. However, many predicate their objection on the amount carried in the bill.

Mr. GUYER. I am gratified that both these gentlemen favor this measure of justice that has too long been delayed.

Mr. SANDLIN. I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Chairman, ladies and gentlemen of the committee, when the Seventy-first Congress adjourns March 4 there will be retired from the Membership of this body 78 of those who are at the present time serving in it. Of those 78 Members fifty odd are Republicans and the balance are Democrats. I am glad to say I am not one of those to be retired, and therefore, I assume the remarks made at this time will not be construed as coming from one who has any interest in the matter discussed except to see that justice is done.

Under the provisions of the legislative bill as now written, and as has heretofore been customary in Congress, a Member retiring from the House has the use of the frank for a period of nine months. That, of course, is for the purpose of carrying on the work which that Member did, or is supposed to have been engaged in, while a Member of the House. Much of this work consists of reports from the various bureaus of the Government, usually transmitting to the retiring Member its report on cases concerning constituents in his district.

There will be, at the close of this session, a little more than 22,000,000 of the people of the United States directly affected by the service rendered by the Representatives who are retiring. A large percentage of those 22,000,000 people, no doubt, will have pending at that time business which has been looked after by retiring Members. Many of these Members are retiring without expectation of ever again performing service of a public nature.

Perhaps a great many of those who have hopes of performing such service will not do so. Many of those retiring Members are unable, physically and financially, to meet the requirements that demand the attention of their constituents in looking after unfinished matters. There are claims

to be looked after, letters to be written, letters of explanation and letters for transmittal to be sent to constituents. How will this be done? In many cases not at all. It is true they have the franking privilege, but they do not have the necessary machine for writing the letter, and if they have the machine, in most cases they are incapable of rendering the service. Therefore the service must be rendered by some one else if it is rendered at all. In case a Member dies, we make an allowance sufficient to pay the expense of a clerk for 30 days.

I think the generous thing to do, from the standpoint of the public welfare, would be to allow compensation for a clerk for three months, at the rate of \$150 per month. I am speaking for the welfare of the public, the Government, and constituents now represented by these retiring Members. It is not just to permit constituents to be deprived of the service which has been in part rendered by the Members while they are in the House. I think it would be only just and proper that we allow to clerks employed by them compensation for three months, one-third of the time that the franking privilege is already granted to the retiring Member.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LARSEN] has expired.

Mr. SANDLIN. Mr. Chairman, I yield one additional minute to the gentleman from Georgia.

Mr. LARSEN. I am told by the Clerk of the House that under the present appropriation and under appropriations heretofore made he usually turns back into the Treasury anywhere from \$20,000 to \$30,000. In other words, there is already appropriated, although it could not be made available without an amendment, a sufficient amount of money to take care of the very thing which I bring to the attention of the House.

There have never been more than 140 men retired from the House at one time in the history of the Nation, and at no time could the amount hardly be more than \$63,000 if the suggested practice be adhered to in the future. This year it is large, because 78 Members are to be retired, but then it would only be \$35,700.

I have prepared an amendment to make \$35,000 of the amount appropriated available for the purpose of paying this expense—that is, to pay one clerk for a period of three months, not to exceed \$150 per month. The Member would not get it, but the clerk actually performing the service would get it.

I think if we have at heart the good of our constituents—and I am sure we all do—this would be the proper thing to do.

I thank you. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield the remaining time, 15 minutes, to the Commissioner of the Philippines [Mr. OSIAS].

Mr. OSIAS. I have hitherto been a silent bystander, though not an uninterested spectator, in the discussion and consideration of unemployment which to-day constitutes America's great affliction. The pages of the CONGRESSIONAL RECORD and of the press mutely attest to the immense amount of thought and talk on the tragedy which is being staged before our eyes. Practically all important angles have been considered, but the question is by no means exhausted. Numerous solutions have been proposed. The liberality of the rich Government and people of the United States has been appealed to for the relief of the jobless, now estimated to number 5,000,000. There is one feature which, so far, has not been touched upon, and it is to this that, with your indulgence, I wish to address myself.

America is wonderfully self-contained. The American people, long accustomed to live in the midst of plenty, have basked in their self-sufficiency. You have been so immersed in that thought up to this day that, perchance, it may not be amiss if I invite your attention momentarily to the necessity of looking beyond the borders of the Republic for at least a partial remedy.

Though a Filipino born and ineligible to be an American citizen, it ill becomes me to sit supinely and be absolutely unconcerned with the stern reality confronting this country,

whose national ensign floats over my native isles beyond the sea. This being so, your misfortune is also my people's. My loyalty to American sovereignty and my devotion to the highest interests of my country move me to tell you that the Philippines, though not the key, is a key to American unemployment remedy.

During the last two sessions of the present Congress the beet and cane sugar interests, the dairy interests, and other agricultural interests came to you asking for relief. They represented the Philippine products as competing with theirs and they proposed that limitations or duties be placed upon Philippine imports to the United States. Congress quite properly did not accede, deeming it unfair that this should be done while the islands are under the United States and while all American products enter the Philippines duty free and without limit.

Our position then was made clear and I reiterate it now. We object to being retained under the United States and have our products discriminated against, but we would gladly relinquish present tariff advantages provided America first redeems her promise of independence. The National Grange, the Farm Bureau Federations, the Dairy Products Associations, and other American farming organizations favor the immediate grant of independence. My people petition Congress promptly to act in order to bring immediate relief to American agriculture and at the same time satisfy our supreme national desire.

During the life of this Congress, too, a serious proposal was made to extend the American coastwise shipping laws to the Philippines. It was alleged that this would bring relief to American shipping. We the Filipinos registered our opposition on the ground that it was unethical and discriminatory to do so while we are under the Stars and Stripes; that it would establish American monopoly and would paralyze our shipping and cripple our commerce. We said clearly then, and I say it now: Make the Philippines free first, then you can do what you wish afterwards. If Congress should promptly act on the Philippine question, it would please us supremely and it would help American shipping, American trade, and American commerce.

Next came the proposals contained in measures pending before this Congress to exclude Filipinos from the United States. At the hearings conducted by the Committees on Immigration both of the House and of the Senate, the spokesmen of our people presented our respectful but firm protests, deeming Filipino exclusion ill-advised, unnecessary, unjust, and unjustifiable, at least while you continue to hold sway over us. On this very floor I have made our stand absolutely clear. I said on previous occasions, and I say it now: If the people and Government of the United States wish to treat the Philippines as a foreign country for purposes of labor and immigration, you must first place us in the category of a foreign nation by granting us our freedom.

The American Federation of Labor has been on record favoring Philippine independence for over 30 years. The voice of the Pacific coast through their authorized representatives has been heard on this floor advocating the prompt fulfillment of America's pledge. If Congress should act without delay, it would satisfy the Filipino people fully, and it would solve the delicate question of Filipino immigration, give added protection to American labor, and relief to American unemployment, and comfort to the States that are so greatly agitated over the Filipinos coming to continental United States.

This session is grappling with the question of relief to the present distress and suffering because of the recent drought, because of economic depression, and because of widespread unemployment. This session is busily engaged in the different appropriations for the several departments of the American Government and for the various activities which are calculated to ameliorate conditions which are admittedly deplorable. If you would solve the problem of the Philippines, you would be helping in the humanitarian program of your own people whose interests to you naturally come first, and you would be simplifying your labors in connection with the various and sundry appropriation bills.

Let me give a concrete instance to establish my contention. Let me start with the Army appropriation. The estimates made of expenditures for military and nonmilitary purposes by virtue of American occupancy of the Philippines have not been uniform. They have ranged from sums relatively insignificant—to a country so great and so rich—to amounts that fairly stagger the imagination. It is admittedly difficult to determine the exact amount as the calculations will differ depending upon the purpose and method. Earlier in January the Secretary of War stated that for the year 1930 the total estimated cost of maintaining the garrison in the Philippines was over \$11,169,000, and that a yearly saving of approximately \$4,078,141 would be made "in the event the Philippine Islands should pass from under the control of the United States."

A very plausible line of reasoning could be indulged in at this juncture to show that a sum far larger than \$4,000,000 could be effected as a saving each year by the United States by the grant of independence to the Philippines. It would be easy, for example, to pick other items in the same department appropriation or from the Navy and perhaps other departments to add to the expense of retention. But I will not do so, lest in attempting to prove more than necessary suspicion may be aroused by an unusually large figure. I shall for my purpose content myself with the figure admitted by the head of the Department of War. Four million dollars each year! That is 40 per cent of what the entire country is trying to raise for the Red Cross to relieve unemployment.

In all earnestness I call your attention to this source of relief, to the Philippines as a key to unemployment remedy. We are more than glad if Congress would avail itself of this as a means of helping America's army of starving, jobless, and suffering. This is not a mere gesture on the part of the Philippines, nor is it generosity. It is a duty born out of gratitude to a country from which we expect our full liberty.

At such a time as this do not think of the danger to the Philippines because of the lack of protection by the withdrawal of the American Army. The garrison now in the islands is no adequate protection for my country. We face the naked reality. When the United States became a signatory to the treaty approved at the Washington Disarmament Conference she pledged to the other signatory powers that she will not increase fortifications in the islands or our defense. The same thing is true after the approval of the London pact entered into by the United States, Japan, and England. Roosevelt in his day knew the Philippines was a source of military weakness. And now America has become a leader in the movement for world peace and in the renunciation of war as an instrument of national policy among the nations of the earth.

The Filipino people have weighed and weighed carefully the consequences of independence. They are ready and willing to be set adrift in the international seas. They were ready yesterday, and they are ready now. No one need shed crocodile tears over our future fate. No one need worry over possible difficulties. Why, the Filipinos have been schooled in adversity. They have gone through want and war and difficulty without release. They have borne the burdens of dependency patiently and heroically for 400 years. No specter of trouble or of danger deters them. They have mapped out the course of their national destiny. They glory in sacrifice. They know that suffering is bitter and unbearable if it is compulsory, but they also know that suffering is sweet, it is nothing, if it is voluntary, especially if it is for the liberty of their country.

I have indicated what Congress may do to help solve the present crisis. Apathy is the only thing that stands in the way. There is yet time a-plenty if you will to act. Under the compelling force of America's necessity and under the impelling urge of a solemn duty to the people to whom you have in honor pledged to set free, there is no valid reason for further delay, and there is every reason to act promptly. If Congress should thus act instant relief would accrue to American agriculture, American trade, American shipping,

American commerce, American labor, and America's unemployed. You will also discharge a high, noble, and humanitarian duty. With the grant of independence the Philippines will cease to be our Eden lost; it will become our Paradise regained. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks by incorporating a concurrent resolution adopted by the Legislature of the State of Oklahoma memorializing Congress to enact legislation which, I think, will be of interest and benefit to the country. In addition to the incorporation of that memorial I ask unanimous consent to incorporate a copy of H. R. 16472, embodying the proposed legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Chairman, members of the committee, in the enactment of the World War adjusted compensation act of 1924, Congress sought to express, in a measure, grateful appreciation of the loyal, unselfish service of the boys; said to them, in effect:

"You have served your country well, without thought of honor or remuneration. You have come back to civilian life, many of you to face difficulties of adjustment and years of discouragement. By the enactment of this adjusted compensation act we grant you a 'bonus,' based on your actual active service. Our material resources, enormous though they are, would be pitifully inadequate to pay the debt we owe to courage, loyal service, unselfish sacrifice. In this gesture of appreciation, we humbly acknowledge the greatness of an obligation which can never be fully discharged in material means—no, not even by the wealthiest nation in the world."

That was nearly seven years ago—nearly seven years ago that this Government provided for the issuance of adjusted-service certificates, payable to the veteran in 20 years from date of issuance where the amount exceeds \$50. They have been years in which we have been continually reminded that the horrors of war are not ended with an armistice; years in which we have come to a clearer realization of the magnitude of the sacrifice which we exacted. The ranks of the World War veterans have been pitifully thinned in this brief period. Many of those remaining are ill, struggling against the ravages of disease resulting from their war service, doggedly attempting to hold a place in the business world. Individual handicaps contribute to make their situation even more difficult than that of the average person in this time of general economic depression.

The benefits of the adjusted compensation act are little enough. I believe that the boys are entitled to them now. Why postpone payment for years to come to a time when many will have gone forever beyond the need of material assistance? We would not be conferring additional favors—merely redeeming a pledge already made, redeeming it before maturity with a consequent saving in interest charges, if the provision is made for the payment of the cash-surrender value of the certificates.

I am in receipt of a copy of enrolled house concurrent resolution No. 3 of the Oklahoma State Legislature memorializing Congress to enact a law providing for the payment of adjusted-compensation certificates issued to World War veterans which I ask leave to insert herewith as reflecting the general attitude of the people of my State.

STATE OF OKLAHOMA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, R. A. Sneed, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of enrolled House Concurrent Resolution No. 3, by Curnutt, Roper, Fraley, Cloyd, Davis, Galbreath, Williams, Stanley, Keith, Leecraft, Surry, Massey, Hinds, Abernathy, Beaver, Nance, and Graham, entitled "A resolution memorializing Congress to enact a law providing for the payment of adjusted-compensation certificates issued to World War veterans," the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State.

Done at the city of Oklahoma City this 26th day of January, A. D. 1931.

[SEAL.]

R. A. SNEED,
Secretary of State.

Assistant Secretary of State.

Enrolled House Concurrent Resolution 3, by Curnutt, Roper, Fraley, Cloyd, Davis, Galbreath, Williams, Stanley, Keith, Leecraft, Surry, Massey, Hinds, Abernathy, Beaver, Nance, and Graham

A resolution memorializing Congress to enact a law providing for the payment of adjusted-compensation certificates issued to World War veterans

Whereas due to the depressed economic conditions existing throughout the country thousands and thousands of men are unemployed and still more are in strained financial circumstances; and

Whereas the Government of the United States has issued to ex-service men compensation certificates based on service rendered to said Government in the World War; and

Whereas the United States Government can at this time borrow the money for the payment of said certificates at a rate of interest far less than the holder of any of said certificates can borrow money on said certificates, and the Government is now able to borrow at a cheaper rate than at any time in the history of the Government; and

Whereas the Government is now spending and will continue to expend large sums of money for the maintenance of bureaus to negotiate loans and to keep the proper records of these outstanding loans, and a great many of the holders of said certificates have borrowed the maximum amount that can be loaned on said certificates; and

Whereas the present depressed economic condition of our country could and would be relieved by the Government paying World War adjusted-compensation certificates in full and thereby assist in relieving the depressed condition of the people of the United States: Now, therefore, be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That the Congress of the United States be, and is hereby, memorialized to enact a law providing for the payment in full of all adjusted-compensation certificates issued by said Government, and that Congress authorize the payment of such adjusted compensation by the issuance of Federal reserve notes; be it further

Resolved, That a copy of this resolution be forwarded to Hon. Herbert Hoover, President of the United States, and Hon. Andrew Mellon, Secretary of the Treasury of the United States; be it further

Resolved, That a copy of this resolution be transmitted to the United States Senators and Congressmen representing the State of Oklahoma.

Adopted by the house of representatives this the 21st day of January, 1931.

CARLTON WEAVER,
Speaker of the House of Representatives.

Adopted by the senate this the 20th day of January.

ROBERT BURNS,
President of the Senate.

Correctly enrolled.

LUTHER E. GREEN,
Vice Chairman of the Committee on Enrolled
and Engrossed Bills.

We can not turn a deaf ear to such insistent demands, coming not alone from veterans' organizations but representative of the general feeling throughout the country. In recognition of the merit of such requests for immediate action I have introduced H. R. 16472, providing for the payment to veterans of the cash-surrender value of their adjusted-service certificates, and earnestly hope that it or a similar measure may receive favorable consideration at the hands of the committee. The text of my bill is as follows:

House Resolution 16472

A bill to provide for the payment to veterans of the cash surrender value of their adjusted-service certificates

Be it enacted, etc., That Title V of the World War adjusted-compensation act is amended by adding at the end thereof a new section to read as follows:

"SEC. 509. (a) The Administrator of Veterans' Affairs is authorized to pay to any veteran to whom an adjusted-service certificate has been issued, upon application by him (with or without the consent of the beneficiary), the cash surrender value of the certificate. The cash surrender value of the certificate shall be the basic surrender value as defined in subdivision (b) of this section, with adjustments made hereto as provided by subdivision (c) of this section.

"(b) The basic surrender value of the certificate shall be the amount of the adjusted-service credit of the veteran, increased by 25 per cent, plus interest at 4 per cent per annum, compounded annually, from the date of the certificate to a date to be determined by the administrator, which date shall precede by not more

than 30 days the date of the check issued to the veteran in payment.

"(c) If a loan has been made upon the certificate under section 502 then—

"(1) If the principal and interest on or in respect of the loan have not been paid in full by the veteran (whether or not the loan has matured), the administrator shall on request of the veteran pay or otherwise discharge the unpaid principal and interest and deduct from the basic surrender value the amount of the unpaid principal and interest computed according to the provisions of section 502 (loan privileges) of the World War adjusted compensation act.

"(d) No payment shall be made to a veteran under this section until the certificate is in the possession of the Veterans' Administration and all obligations for which the certificate was held as security have been paid or otherwise discharged. Upon the payment to the veteran of the cash surrender value, in money or its equivalent and/or in deductions for amounts of loans with interest thereon due on the certificate or to become due on the certificate, the certificate and all rights thereunder shall be canceled.

"(e) The Secretary of the Treasury is hereby authorized to issue bonds in such amounts as may be needed to carry out the purpose of this act. Such bonds are to be known as adjusted-compensation bonds, to bear such rates of interest as the Secretary of the Treasury in his discretion may determine, and to be redeemable in 15 years after the passage of this act.

"(f) Nothing in this act shall be construed to prevent the Administrator of Veterans' Affairs from making payments upon any adjusted-service certificate in accordance with the provisions of the World War adjusted-compensation act, as amended, except where payments have been made by the Secretary of the Treasury in accordance with the provisions of this section."

The Clerk read as follows:

DOCUMENT ROOM

Salaries: Superintendent, \$3,960; first assistant, \$3,360; second assistant, \$2,700; assistant, \$2,040; two clerks, at \$2,040 each; skilled laborer, \$1,740; in all, \$17,880.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand that the salaries of the clerical force for the Senate and the House are identical with the salaries as carried in existing law.

Mr. MURPHY. That is right.

Mr. STAFFORD. Where in the bill is the first change of appropriation over existing law?

Mr. MURPHY. I do not think there is anything of that kind in the bill.

Mr. STAFFORD. Oh, yes. I will direct the chairman's attention to the fact that there is a minor change for the official reporters of debates; but I do not object to that. I thought we might have more definite information from the chairman about the changes that appear in the bill.

Mr. MURPHY. May I say to the gentleman that two new telephone operators are authorized under the Clerk of the House, and the money for their salaries is appropriated in this bill.

Mr. STAFFORD. Is that occasioned by the illness of telephone operators, so that they are virtually in receipt of a pension by reason of their incapacity to serve?

Mr. MURPHY. That might be one of the reasons advanced; but there is another reason, and that is to prepare for the increased load that will be placed on the telephone operators in the days immediately ahead by reason of the construction of the new Office Building and the new Supreme Court Building. They are just preparing for the days that are ahead. In other words, they are endeavoring to train a force that will be capable.

Mr. STAFFORD. I can not conceive that there will be any additional force needed in the fiscal year 1932 by reason of the construction of the Supreme Court Building. That building will certainly not be ready in that fiscal year, and I question very much whether the new House Office Building will be completed. The thought occurred to me, if the gentlemen will permit, that since the installation of the automatic dial system, by reason of which we must make our outside calls, the burden on the telephone operators is much lighter than before the installation of that modern system, where the work has to be done by the Representatives in Congress rather than by the telephone operators.

Mr. MURPHY. I might say to the gentleman that the dial system does not relieve the load of work in the general telephone office in the House Office Building. Every call that goes from the gentleman's office to the outside goes

through the telephone office in the House Office Building, and though the gentleman must do the dialing himself on an outside call yet the gentleman must be connected with the outside by the operator in the House Office Building, as was always the practice.

Mr. STAFFORD. Oh, yes; you have to be connected. But the telephone operator does not have to wait until you get your desired connection. You have to do that work. She merely receives your request that you want "outside," and then she connects you with "outside." That is all she does, and she does not have to wait until you get the outside connection. I do not follow the logic of the gentleman's position that they are having a greater burden placed upon them.

Mr. MURPHY. I may say to the gentleman that the operator has just as much of a burden now as she ever had.

Mr. STAFFORD. Perhaps, with other cares, but not with her official duties. However, I shall not stand here and raise objection to two additional telephone operators; but the reasons advanced are far from convincing to me that there is any need except, perhaps, to provide a pension for incapacitated telephone girls.

If this is the case, it is all right, but it is certainly not by reason of the construction of the new Supreme Court Building or the new House Office Building.

Mr. MURPHY. I may say to the gentleman that we may want to go along nicely here and I am going to answer the gentleman in that way by saying that he himself would not undertake a great expansion in a business enterprise of any kind without preparing for additional help and for getting skilled operators and training them in advance of the time when the heavy load would be upon him. The gentleman's own good judgment and his own business ability would suggest that.

Mr. STAFFORD. There is not a business concern in the country to-day that is taking on any unnecessary help, because they are economizing wherever they possibly can in order to keep down their expenditures. The Government of the United States, of course, is an exception, especially with respect to patronage in the employment of telephone help.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

OFFICE OF LEGISLATIVE COUNSEL

For salaries and expenses of maintenance of the office of Legislative Counsel, as authorized by law, \$75,000, of which \$37,500 shall be disbursed by the Secretary of the Senate and \$37,500 by the Clerk of the House of Representatives.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice we have in this paragraph an appropriation of \$75,000 for office of legislative counsel, the same amount that has been appropriated in the year just passed. Has the gentleman any information as to how this appropriation is expended or what occasions this large amount of \$75,000? Originally it was only a few thousand dollars, but now it has grown to a rather substantial appropriation.

Mr. MURPHY. I may say to the gentleman that this money is expended under the direction of the Vice President of the United States and under the direction of the Speaker of this House. The service is used by committees of the Senate and committees of the House.

Mr. STAFFORD. What salaries do they receive? One of these men was formerly simply a law clerk here in the Law Library, receiving a minor salary. What are the salaries paid out of this appropriation of \$75,000?

Mr. MURPHY. I may say to the gentleman that the counsel on each side of the Capitol, one for the Senate and one for the House, receives \$10,000 a year, which is fixed by law.

Mr. STAFFORD. What is the next salary of these employees? That accounts for \$20,000 of this amount.

Mr. MURPHY. In the hearings last year we went into this matter quite carefully, but we did not do so this year. They have not made any additions to their force and the salaries range from \$6,000 down.

Mr. STAFFORD. It is difficult for me to understand how the office of legislative counsel, with efficient administration, would spend \$75,000 a year, even granting \$10,000 to the head counsel. They are not overburdened with work.

Mr. MURPHY. I would not go that far with the gentleman. I would say, however, that the committees of the House and of the Senate who are served by this group of experts are very well pleased with the service they render, and they speak in the very highest terms of them. They have spoken to every member of our committee very pleasantly about them.

Mr. STAFFORD. I served on a special committee in the preparation of the Muscle Shoals legislation that was presented to this House and passed by this House, and we did not call upon this service for any assistance whatsoever. We prepared the work, and apparently prepared it satisfactorily. I have difficulty in conceiving how \$75,000 can be properly spent for this kind of service, and if the gentleman has anything in the hearings of last year I would be pleased if he would incorporate in his remarks some statement to show how this appropriation is expended, because personally it seems to me quite a large amount, if not an extravagant amount.

Mr. MURPHY. Of course, I have no objection to the gentleman making any statement for the RECORD that he chooses, although with the light I have with respect to the activities of this service, I can not agree with the gentleman that this amount of money is extravagant.

Mr. STAFFORD. The gentleman has called our attention to the fact that there are two chief counsel that get \$10,000 each and two who get \$6,000 each, which makes a total of \$32,000. How is the remaining \$43,000 spent?

Mr. MURPHY. Of course, the gentleman understands that men capable of commanding a salary of \$10,000 a year have to have secretaries and have to have stenographers and men with legal knowledge capable of searching the RECORD and watching the proceedings as they go along from day to day in the House and in the Senate, to the end that they may be equipped with the knowledge necessary to render efficient service to the committees that they are serving. These men have all been appointed by the Speaker and by the Vice President on the recommendation of the very best folk in both the House and the Senate with reference to their ability to do this kind of work.

Mr. STAFFORD. I hope next year when the gentleman presides over the hearings on this bill he will, as a courtesy to me, ascertain just how this \$75,000 is expended, because even granting the statement of the gentleman that they have to have a stenographer, the gentleman is still far from explaining how this entire \$75,000 is expended.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no architect, \$44,540.

Mr. MURPHY. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 23, line 12, strike out the figures "\$44,540" and insert the figures "\$48,580."

The amendment was agreed to.

The Clerk read as follows:

To enable the Architect of the Capitol to provide for the care, maintenance, and repairs for rental or use by the Library of Congress of all buildings or other structures as may be acquired on the side for additional buildings for the Library of Congress in square 761 and part of 760, and to raze such buildings in said area as may be requested by the Joint Committee on the Library, and to provide for all necessary personal and other services and material of all kinds necessary to carry out the provisions of sections 3 and 4 of an act entitled "An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes," approved May 21, 1928 (45 Stat. 622), \$10,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I notice in the paragraph just read that authority has been given to the Architect of the Capitol to rent certain buildings on property to be torn down for the Library of Congress. What is the advantage of conferring on the Architect of the Capitol this authority? Why not raze them once for all if they are to be used by the Library of Congress?

Mr. MURPHY. The architect has the privilege under existing law, but the reason for this paragraph appearing here is that they are not quite prepared to go ahead with the building in 60 or 90 days. There are a number of people living on the property to be razed and somebody had to be responsible for taking care of it.

The money will not be expended unless it is necessary to use it. This is to take care of the situation which we have. We have the property, and if we do not get it torn down this year the Government might get some revenue from it, and we have to have some one responsible for it.

I may say further that the people who are living there are living in what have been their homes for many years, and they cling to them tenaciously and want to stay as long as they can. When the time comes to tear it down the item will disappear.

Mr. STAFFORD. Will the gentleman give us the benefit of his information as to this and other provisions of the bill so far as the purchasing of property not immediately necessary. I see where we have been launching on a policy of buying up all valuable real estate about the Capitol that adds nothing to the improvement of business conditions. It only takes so much more money out of the Treasury to aggravate the need for higher taxes. Property about the Capitol and the Botanic Garden is not appreciating; it is decreasing in value.

Mr. MURPHY. I may say that the items that we are carrying in the bill here are carried by the direction of Congress itself. The purchase of various pieces of property has been made necessary by legislation enacted in Congress, and that while I want to be in agreement with the gentleman from Wisconsin, from my knowledge of business conditions, I can not agree with him in saying that the value of property in the District of Columbia, in the city of Washington, is decreasing.

Mr. STAFFORD. I said as far as the Botanic Garden and the environs of the Capitol are concerned. The value of the Botanic Garden is static and if not static it is going down, and yet we are proposing to spend large sums of money there.

Mr. MURPHY. It is just the reverse of the gentleman's view. The view I hold is that when the Government has completed a large and wonderful piece of architecture that will always be kept up in good order, all the surrounding property is enhancing in value.

Mr. STAFFORD. The property taken over can well wait until the Treasury becomes in a better condition than it now is.

Mr. MURPHY. With reference to the Botanic Garden, that property has all been purchased, and the razing of the buildings thereon has proceeded until it is nearly completed. I believe that even the gentleman in his close watching of the Treasury will feel that the money has been well expended when he sees that in its completed condition.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. LARSEN. Mr. Chairman, I was called out of the Chamber a moment ago after making some remarks with reference to the amendment which I propose to offer on page 19. I ask unanimous consent to return to that page and offer this amendment at this time.

Mr. MURPHY. Mr. Chairman, I would like to know what the amendment is.

The CHAIRMAN. Without objection, the Clerk will read the amendment for information.

The Clerk read as follows:

Page 19, line 14, strike out the figures "200" and insert "350," and at the end of the line strike out the period and insert a comma and the following: "Not exceeding \$35,000 of which to be

immediately available, may be expended for the employment of one clerk for a period of three months from and after March 4, 1931, at the rate of not exceeding \$150 per month, by each Member, Delegate, and Resident Commissioner of the Seventy-first Congress not reelected."

Mr. MURPHY. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. Consent has not yet been granted to return to the paragraph.

Mr. MURPHY. I suggest that the gentleman take the floor by moving to strike out the last word.

Mr. LARSEN. Mr. Chairman, I move to strike out the last word. After discussing this proposed amendment a short time ago I was called out of the Chamber on another matter. I am sure everyone gets in that position sometimes. I therefore ask unanimous consent to return to page 19 to submit the amendment just discussed. I do not care to discuss the amendment any more. It may be that a point of order to the amendment is good, I am afraid that it is, but notwithstanding that fact, this is an important matter. It is a matter that concerns the House more than it does the Senate. There are very few retiring Members in the Senate. For that reason I do not think I would have much chance of getting it inserted in the bill before the Senate. Let the membership of the House express itself on this matter. We usually fare bad enough with these amendments when the membership has an opportunity to express itself. This directly concerns 22,000,000 people in the United States, 78 Members of Congress who will retire at the conclusion of this session, and 78 clerks, who may perform this little service. The Clerk of the House told me that it would not entail the appropriation of any money or, if any, a very small amount, because he usually turns back into the Treasury anywhere from \$20,000 to \$30,000—a little over \$30,000 last time. With this unusually large number of retiring clerks receiving pay for 90 days at \$150 a month, it would amount to only \$35,700. I would like the gentleman to consent to return to item in bill, to waive the point of order, and let the membership of the House vote upon the merits of the proposition.

Mr. MURPHY. Mr. Chairman, it is not necessary to talk about the point of order, because we have already passed this part of the bill. Much as I would like to go farther with the gentleman and allow further discussion, I feel constrained to object to returning.

The Clerk read as follows:

INDEX TO FEDERAL STATUTES

To enable the Librarian of Congress to revise and extend the index to the Federal Statutes, published in 1908 and known as the Scott and Beaman Index, to include the acts of Congress down to and including the acts of the Seventieth Congress, and to have the revised index printed at the Government Printing Office, as authorized and directed by the act approved March 3, 1927, as amended June 14, 1930, \$50,000, to be immediately available.

Mr. STAFFORD. Mr. Chairman, I move to strike out the paragraph just read. I refer to the item that authorizes the expenditure of \$50,000 for the extension of the so-called Scott and Beaman Index of the Laws of the United States. I have examined the hearings before the committee. It seems to me that when we appropriate \$50,000 for 2,000 volumes, an average of \$25 a volume, for private distribution, we are going some, especially when the work is not of any great current interest. I remember receiving a set some years ago when the extension was first published in 1907. I had it on my shelves. I follow legislation quite closely and often examine former statutes, and yet I never had occasion to utilize those volumes.

The service is more or less performed by private publishing houses. Fifty thousand dollars for collating the data for 2,000 volumes is quite a sum. What has the gentleman to say in justification of the expenditure of \$50,000 for a work that is of questionable value, in view of the fact that private publishing houses perform similar work, which makes it of little historic value?

Mr. MURPHY. Doctor Putnam, in presenting this matter, stressed the great importance of getting the data that he now has compiled, which is kept in files over in the Library. He says that it is growing more cumbersome year after

year and that it is so difficult to get at and handle when it is needed that it is about time it should be put into book form, such as these two volumes that we have on the table here.

He rather looked upon it as a very valuable contribution to law students, to lawyers, and to anyone interested in following the enactment of law. He said it was very difficult to take care of them, because the investigator or the student would go into the files and might take out these cards and lay them down carelessly or something might happen to them. They are very valuable, and if one or two of them be lost it requires untold work to replace them. As the gentleman knows, there is much said in the committee hearings that does not appear on the printed pages of the report.

Mr. STAFFORD. I was not aware of that fact. Is it a fact that much is stated in the committee hearings that is not incorporated in the minutes of the hearing?

Mr. MURPHY. Yes.

Mr. STAFFORD. Then, can the gentleman inform the House as to just how this \$50,000 is to be expended, because it is not shown in the hearings?

Mr. MURPHY. I say this to the gentleman, because the Librarian made a very good case. He made it so clear that it was the unanimous opinion of our subcommittee that this work should be undertaken. There has not been anything printed since 1907. The data for 23 years have accumulated on cards in the Library, and there has been much legislation.

Mr. STAFFORD. From the hearings before the committee, that which is incorporated in the regular hearings and that which is not, can the gentleman state how this \$50,000 is to be expended?

Mr. MURPHY. Forty thousand dollars is to be spent for printing, and the other \$10,000 will be spent in personal services for those who are preparing the data and getting it in shape for publication, in the matter of administration.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. I think if there is a case where we could save money if we really wanted to save it is in this instance. Fifty thousand dollars is being asked here, and the statement is that it is to be expended in the preparation of some volumes to be used by erudite students of law. It is of no practical value. It is simply to carry out a hobby of the Librarian of Congress to have brought down to date some card index that he has. Two thousand volumes are to be published, at an expense of \$20 per volume. I think if we are going to attempt to save any place, we should attempt it here now.

Mr. MURPHY. Replying to the remarks of the gentleman from Wisconsin [Mr. STAFFORD], there is much printed that does not appear profitable at the time the work is done, but here is work that private individuals do not undertake for profit. It is work that makes it possible for students and those who are becoming proficient in the practice of law to study. It is a matter that might be looked upon perhaps as the Government doing something for rivers and harbors or some other work that private enterprise is not justified in undertaking. This particular activity has gone on for a great many years. Twenty-three years' work is accumulated on cards in the Library, and it seems it will be money well spent to take care of them by putting them within printed pages of a book and making it easier thereby for students and those interested in law and those interested in the making of law. I hope the gentleman will agree with our committee and will allow the item to continue.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment, although I see no need for the appropriation.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent to return to page 19 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. LARSEN]?

Mr. MURPHY. Reserving the right to object, with the clear understanding that a point of order is reserved against the amendment, I will have no objection to the gentleman returning to this item.

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. LARSEN] offers an amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

Amendment offered by Mr. LARSEN: Page 19, line 14, strike out the figures "200" and insert "350," and at the end of the line strike out the period and insert a comma and the following: "not exceeding \$35,000 of which to be immediately available may be expended for the employment of one clerk for a period of three months from and after March 4, 1931, at the rate of not exceeding \$150 per month by each Member, Delegate, and Resident Commissioner of the Seventy-first Congress not reelected."

Mr. MURPHY. Mr. Chairman, I make the point of order that the amendment is not authorized by law.

Mr. LARSEN. Mr. Chairman, I fear the point of order is good, and I therefore do not care to argue it.

The CHAIRMAN (Mr. LUCE). The gentleman from Georgia [Mr. LARSEN] concedes the point of order, and the Chair will so rule. The Chair sustains the point of order.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE

Public printing and binding: To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer, \$10,000, and Deputy Public Printer, \$7,500; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting 30 days' annual leave to employees with pay; rents, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including purchase, exchange, operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$4,000); freight, expressage, telegraph, and telephone service; furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding \$500); adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding \$300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer: *Provided*, That inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available therefor; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing (chief indexer at \$3,480, 1 cataloguer at \$3,180, 2 cataloguers at \$2,460 each, and 1 cataloguer at \$2,100); and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, \$2,500,000, to which shall be charged the printing and binding authorized to be done for Congress, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$2,000) for official use of the Architect of the Capitol when authorized by the Secretary of the Senate; in all to an amount not exceeding this sum.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

I wish to inquire of the chairman of the committee as to the length of time the Government Printing Office has been

in the manufacturing business of furnishing inks, glues, and other supplies to various Government establishments?

Mr. MURPHY. I may say to the gentleman that several years ago when I first came to this subcommittee, this matter came up for discussion, and we learned that at the Government Printing Office they were able to make these various supplies in quantities that enabled them to supply other branches of the Government with supplies at a price that would seem to be satisfactory, and there was no objection made at that time by any outside manufacturer to the Government Printing Office taking on this added responsibility, namely, the making of a little surplus material when they were making what they needed for their own use. The Government, by reason of this action on the part of the Government Printing Office, has been able to save considerable money.

Mr. STAFFORD. Will the gentleman inform the committee as to the extent to which the departments utilize the Government Printing Office for the furnishing of inks, glues, and other supplies, as authorized in this proviso?

Mr. MURPHY. I do not have in my mind at the moment the exact figures, but if the gentleman would care to have me do so I will be pleased to put them in the RECORD.

Mr. STAFFORD. I was just wondering whether the Government Printing Office is furnishing to the Government departments all of the ink that is necessary for the various printing establishments connected with the departments.

Mr. MURPHY. I think not all of it; but just a part.

Mr. STAFFORD. If they furnish a part, why not all?

Mr. MURPHY. They could not furnish it all because that would overtax the capacity of the Printing Office as it is at present equipped.

Mr. STAFFORD. Other than inks and glues, what do they manufacture as included in the word "supplies"?

Mr. MURPHY. Well, some stationery supplies come under that head.

Mr. STAFFORD. What is manufactured in the way of stationery supplies in the Government Printing Office?

Mr. MURPHY. I imagine that most everything used in our various offices comes through the Government Printing Office.

Mr. STAFFORD. I question whether the Government Printing Office manufactures commercial stationery per se.

Mr. MURPHY. Blank books and things of that sort that are needed throughout the Government. The gentleman is familiar with the fact that the Government Printing Office does pretty nearly everything in the way of printing for the various governmental departments.

Mr. STAFFORD. I will digress from that inquiry for a moment and direct the chairman's attention to the salaries paid for the indexing of the CONGRESSIONAL RECORD, under the Joint Committee on Printing, as found in lines 8 to 10 on page 37. That seems to be a rather expensive corps of indexers to do the work of compiling the semimonthly and general indexes, one chief indexer at \$3,480, one cataloguer at \$3,180, two cataloguers at \$2,460 each, and one cataloguer at \$2,100.

Mr. MURPHY. This expenditure comes under the watchful care of the Joint Committee on Printing.

Mr. STAFFORD. If it comes under the care of the Joint Committee on Printing, I can understand how watchful it is.

Mr. MURPHY. It is just this watchful, that the cost of doing this work at the present time is very much less than it was under the old contract system. We feel there has been a real saving made by having it handled in this way. I feel sure the gentleman is satisfied, knowing, as he does, the character of the men on the Joint Committee on Printing, that they are very careful in the expenditure of money, and I feel sure he knows they would not waste a penny.

Mr. STAFFORD. But I question very much whether it requires such a corps of officials at these salaries to prepare the indexes of the CONGRESSIONAL RECORD.

Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk concluded the reading of the bill.

Mr. GREEN. Mr. Chairman, I move to strike out the last word. I hope the committee will indulge me for just a minute or two to speak out of order. I have here a bill of a page or so which I would like to incorporate in the RECORD primarily for the information of the House Committee on Agriculture, and also for the information of the House in general. It pertains to the appointment by the Secretary of Agriculture of a board to visit Florida, if necessary, and obtain claims for the fruit-fly losses; that is, the losses sustained by the people there as a result of the fruit-fly-eradication campaign, such board to make a report and recommendations to the Secretary of Agriculture, and that report and recommendations to be considered by Congress. I hope that when this report comes before the Committee on Agriculture and before the House in turn, we will have the sympathetic cooperation of both. Our Florida people have lost millions of dollars, and in other similar cases it has been customary for the Federal Government to bear a portion of the losses, as was the case in the foot-and-mouth disease and pink-bollworm-eradication campaign. When the time comes I hope the committee will take favorable action. Florida has been patient; our people are in great need; they are entitled to reimbursement by the Federal Government. I shall address the House in the near future on this subject. Therefore, Mr. Chairman, I ask unanimous consent to incorporate this short bill in my remarks.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to incorporate in his remarks a bill of the nature indicated. Is there objection?

There was no objection.

The bill referred to follows:

H. R. 16628

A bill to provide for a survey and report of losses incurred by reason of the campaign for the eradication of the Mediterranean fruit fly, and for other purposes

Be it enacted, etc., That a board is hereby created, to be known as the Mediterranean fruit fly board, to be composed of three individuals to be appointed by the Secretary of Agriculture, one of whom shall be a representative of the United States Department of Agriculture, one of whom shall be a representative of the Department of Agriculture of the State of Florida upon recommendation of the commissioner of agriculture of the State of Florida, and one of whom shall be an outstanding fruit and vegetable grower and resident of Florida. Any vacancy occurring in the board shall be filled in the same manner as the original appointment. Each member of the board, other than members holding office under the State or Federal Government, shall receive compensation at the rate of \$10 per day while actually employed on the business of the board. The members of the board shall select a chairman. The board shall cease to exist upon transmitting its report under section 2 of this act.

SEC. 2. The board is authorized and directed to (1) conduct a complete investigation and survey of all losses sustained by any person, firm, corporation, or association in the State of Florida by reason of the campaign to eradicate the Mediterranean fruit fly in such State, (2) receive claims for losses sustained by any such person, firm, corporation, or association in the State of Florida by reason of such campaign, supported by such proof as the board by regulation may prescribe, (3) make findings upon such claims as to the amount of actual and necessary loss sustained, and (4) transmit to the Secretary of Agriculture not later than June 15, 1931, or at the commencement of the next regular or special session of Congress, whichever is the earlier date, a report of the survey and its findings in respect of claims for such losses. The Secretary of Agriculture shall forthwith transmit such report of survey to Congress together with such recommendations as he may deem advisable.

SEC. 3. The board may appoint and fix the compensation (without regard to the civil service laws and regulations or to the classification act of 1923, as amended) of such employees, and may make such expenditures, including expenditures for travel and subsistence expenses, for personal services at the seat of government and elsewhere, and for printing and binding, as are necessary for the efficient execution of its functions under this act. All expenses of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the board.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. MURPHY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee

of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16654) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MURPHY. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House is requested:

S. Con. Res. 37. Concurrent resolution authorizing the printing of 28,000 additional copies of House Document No. 722, being the message of the President and accompanying report of the National Commission on Law Observance and Enforcement on Prohibition; and

S. Con. Res. 38. Concurrent resolution authorizing the printing of 33,000 additional copies of House Report No. 2290, Seventy-first Congress, being the report of the Special Committee to Investigate Communist Activities in the United States.

REFERENCE OF BILLS

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the bill (H. R. 16485) granting to the commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable water of Lake Michigan to the commissioners of Lincoln Park, introduced by my colleague the gentleman from Illinois [Mr. BRITTON], and the bill (H. R. 16746) transferring jurisdiction over certain navigable waters of Lake Michigan to the South Park commissioners, introduced by my colleague the gentleman from Illinois [Mr. MORTON D. HULL], which were referred to the Committee on Interstate and Foreign Commerce, be referred to the Committee on Rivers and Harbors. I will say that I have talked with the chairmen of the two committees involved and they not only joined in this request but believe that it should be granted.

The SPEAKER. The Clerk will report the first bill submitted by the gentleman from Illinois.

The Clerk read the title of the bill (H. R. 16485).

Mr. GARNER. Mr. Speaker, as I understand, this is a request to transfer a bill from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors. It sounds like it is all right to me.

The SPEAKER. The gentleman from Illinois states that both chairmen have been consulted.

Mr. CHINDBLOM. And I am making this request at the request of my colleague who can not be here at the moment.

The SPEAKER. Without objection, the bill will be referred from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 16746).

The SPEAKER. Without objection, the bill is referred from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors.

There was no objection.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE COMMUNIST ACTIVITIES IN THE UNITED STATES

Mr. FISH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 38) providing for the printing of House Document No.

2290, Seventy-first Congress, being a report of the special committee to investigate communist activities in the United States.

The Clerk read the concurrent resolution, as follows:

Senate Concurrent Resolution 38

Resolved by the Senate (the House of Representatives concurring), That there be printed 33,000 additional copies of House Report No. 2290, Seventy-first Congress, being a report of the special committee to investigate communist activities in the United States, of which not to exceed 25,000 copies shall be printed for the use of, and as may be directed by, the special committee appointed by the House of Representatives; 5,000 copies for the document room of the House and 3,000 copies for the document room of the Senate.

Mr. GARNER. Mr. Speaker, reserving the right to object, is this a Senate joint resolution?

Mr. FISH. Yes; it came from the Senate to-day.

Mr. GARNER. How does it happen that the Senate is ordering copies of a document produced by a House committee?

Mr. FISH. I think it is because they want some copies of it. They want to be informed.

Mr. GARNER. That may be true, but, Mr. Speaker, as I understand, 25,000 of these copies go to the special committee.

Mr. FISH. Yes; 25,000; and so far as I am concerned the document room can have them all.

Mr. GARNER. I think we should have that changed. I would not want to give 25,000 copies to any special committee. I think for the moment I shall object, Mr. Speaker, until I know more about this.

The SPEAKER. Objection is heard.

REPORT OF THE NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT

Mr. BEERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 37), and move that the House concur therein.

The Clerk read the concurrent resolution, as follows:

Senate Concurrent Resolution 37

Resolved by the Senate (the House of Representatives concurring), That there be printed 28,000 additional copies of House Document No. 722, Seventy-first Congress, being a message from the President of the United States transmitting a report of the National Commission on Law Observance and Enforcement relative to the facts as to enforcement, the benefits, and the abuses under the prohibition laws of the United States, of which 12,000 copies shall be for the use of the House, 4,000 copies for the use of the Senate, 7,000 copies for the document room of the House, and 5,000 copies for the document room of the Senate.

The SPEAKER. Is there objection?

Mr. GARNER. I understood that the Wickersham report had already been printed to the number of 18,000, of which 12,000 were for the House Members and 4,000 copies were for the Senate.

Mr. BEERS. Yes, that was done, but there are only 1,800 left, and there is a great demand for it.

Mr. GARNER. What do you mean by being "left"?

Mr. BEERS. To the credit of Members.

Mr. GARNER. You are going to distribute 12,000 through the folding room for the benefit of Members of the House, and the gentleman says that the Members of the House have already taken out all of the 12,000 except 1,800 now you are going to keep 7,000 to be distributed in the document room and perhaps to be distributed by one man. That is not a fair proportion, it seems to me. I would like to have this go over until Monday.

Mr. BEERS. Would the gentleman be willing to have 17,000 distributed through the folding room?

Mr. GARNER. Yes; I think that would be better.

Mr. BEERS. Mr. Speaker, I ask to modify the resolution accordingly.

The SPEAKER. The Clerk will report the modification. The Clerk read as follows:

Page 1, line 8, strike out the word "twelve" and insert the word "seventeen."

And in line 9, strike out "seven" and insert "two."

The SPEAKER. Is there objection to the modification?

There was no objection.

The amendment was agreed to.

The resolution was agreed to.

NICHOLAS J. SINNOTT

Mr. KORELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address delivered by my colleague [Mr. BUTLER] on the life and character of his predecessor in this House, the late Hon. Nicholas J. Sinnott.

The SPEAKER. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker, volume 68 of the Court of Claims Reports has just been published, and included in that volume are the proceedings held before the court in memory of Judge McKenzie Moss, and Judge Nicholas J. Sinnott, of my native State of Oregon. The proceedings contain an address delivered by my colleague, Representative ROBERT REYBURN BUTLER, who succeeded Judge Sinnott in the Congress of the United States.

The address is as follows:

I feel honored by this opportunity of saying a few words in tribute to the life and character of an old friend and neighbor and a distinguished and lamented public servant.

This year marked the seventieth anniversary of the admission of the great State of Oregon to statehood, and during those eventful years that State has made creditable contributions to the different departments and branches of the Federal Government—in the Congress, the Cabinet, and judiciary. Among all her distinguished sons none has been more faithful or honorable or brought to the discharge of their trusts a higher sense of public duty than Nicholas J. Sinnott.

He was born at The Dalles, Wasco County, Oreg., on the 6th day of December, 1870, and attended the public schools and Wasco Independent Academy, and graduated from the University of Notre Dame in 1892. Soon after graduation he commenced the study of law in his home town in the office of Judge Alfred S. Bennett, one of the most distinguished lawyers of the Northwest, and was admitted to the bar in 1895 and immediately commenced the practice, and soon formed a partnership with his preceptor, Judge Bennett, which continued until his election to Congress in 1912. The firm of Bennett & Sinnott enjoyed a large practice and much important litigation was successfully handled by that firm.

Judge Sinnott was elected to the State senate of Oregon in 1908 and served through two sessions of that body, and during his service there was industrious and faithful and strove to advance such legislation as would best promote the welfare of the State and the happiness of its people.

For 15 years he represented the second district of Oregon in Congress, commencing with the Sixty-third Congress. The district was then, as now, of vast territorial extent, embracing over 60,000 square miles and with a great diversity of problems and interests touching and relating to the Federal Government and its many bureaus. During those years he served upon the Committees on the Public Lands and Irrigation and Reclamation and mastered the laws governing the public domain and the subject of reclamation. He ever strove to lighten the burdens of those who were endeavoring to establish homes on the public domain in the face of great difficulties and whose hardships he knew. He reached a commanding position in the House of Representatives, and when he voluntarily retired, no man there was more highly esteemed or more generally beloved. As his immediate successor, both in the Senate of Oregon and in the Congress of the United States, I came to know the high character of service which he rendered and the high mark he set toward which all of his successors will have to aim and strive.

When he was called from his legislative labors to service upon this high court he was equipped by training and education, experience and learning, temperament, and character. As a lawyer he was studious, able, careful, patient, diligent, and honorable, and those characteristics he carried with him to the discharge of his duties as a member of this court, together with a loyalty to the law and a great sense of justice, and during the short period of time he served on this court he manifested the same high ability and patience, honor, and fidelity which had characterized his other public labors.

For more than 20 years he occupied public positions where the fierce glare was always turned upon him and where in his case, as in the case of every man who is called upon to serve the public, his every act was submitted to the closest and most pitiless scrutiny; but in his case the searchlight which was turned upon his career has revealed no unworthy act, no blight, no stain.

It was with pleasing anticipations and high hopes that he faced the future. With a happy home, high position, ripened intellect, and congenial labor, countless friends and universal respect and esteem, well, indeed, may he have looked forward to long and useful service and many happy years.

But just when hopes are brightest, prospects fairest, and fondest dreams are forming, it too often happens, it seems, that when least expected, like a sudden storm when skies are bluest, man's hopes are blighted, prospects clouded, and dreams vanish into

nothingness. Why it is we know not, for these are some of the unsolved problems which it is not given us to solve—some of the inscrutable mysteries which it is not given us to penetrate, for now "we look through a glass darkly, then face to face."

So many qualities entered into the life and character of Nicholas J. Sinnott that it is difficult to point out his outstanding characteristics or predominant virtue. But aside from the fact that nature endowed him with a powerful physique—which was undermined by long years of strain and public labor—and high intellectual powers which were developed by study, training, and experience, he possessed courage of a high order, an unquestioned honesty, infinite patience, a sense of humor, which is a sense of proportion, loyalty to friends, and a fidelity under all the circumstances of life which remained unshaken. He was faithful.

Indeed he took unto himself the precept of Polonius:

"To thine own self be true,
And it must follow as the night the day
That thou canst not then be false to any man."

During his long years of service in Congress it was his annual custom to return home and mingle with old friends and people whom he represented. This year he did not so return, but was borne there and laid to rest in the beautiful cemetery among those whom he loved—and lost a while—within the shadow of old Mount Hood, upon whose snow-clad summit, glittering in the sunlight, he had gazed since childhood, and within sight and sound of the mighty river which he loved, and where the breezes from the western ocean will sing sweet requiems as they bear away the fragrance of the flowers which will bloom above his grave, while his memory will be cherished as long as Oregonians love their State and take pride in the noble achievements of their worthy sons.

STATEMENT OF W. K. HENDERSON REGARDING RADIO ALLOCATIONS

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement of W. K. Henderson, which was broadcast over Station KWKH on January 26, 1931.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The statement is as follows:

Since December, 1928, station KWKH, located at Shreveport, La., has been broadcasting on an open-air channel of 850 kilocycles. The time on this open-air channel has been divided between station WWL, of New Orleans, and this station, KWKH.

I have insisted that, under the rules and regulations prescribed by the Federal Radio Commission, station WWL, under such rules and regulations, would not be permitted to operate on any open air channel, and, therefore, under the rules and regulations as prescribed by the Federal Radio Commission itself, WWL was not entitled to use any part of the time on this open air channel designated as 850 kilocycles.

For years I have consistently, and at an enormous expense to me, urged the commission to grant to me the same rights in the matter of time and power granted to any other station broadcasting on an open air channel. I have insisted that the Radio Commission, granting rights and power to one station and refusing to grant them to any other station operating on a like open air channel, was inconsistent and indefensible and left it where no straight-thinking man could conclude other than that the Radio Commission was acting only in response to an asserted, arbitrary, and dictatorial authority that no straight-thinking man could indorse or approve.

For years I have been besieging the Federal Radio Commission to give to this station a hearing that the above-recited facts and conditions might be officially presented to them. This hearing they did finally grant and fixed September 22, 1930, on which date the hearing before a special master was heard. Within three days after the completion of the hearing the entire record, as made up by the commission's official stenographer, was in the hands of my attorney at Washington and the attorneys representing the commission. This record was short and included the testimony of only five or six witnesses. The facts necessary for the guidance of the commission were simple and without complication.

I felt that the delay of the examiner in making a report and recommendations to the commission was simply a matter of choice on his part—that is, if he was to make the report and recommendations independent of any conference, consultation, or influence on the part of any others who might be interested in this controversy between station KWKH and the Federal Radio Commission.

During the time, including 10 days after the hearing and up to the 15th of January, 1931, I urged the commission, by wires and letters on my part, with cooperative aid of numerous others prominent in the legislative life of Washington, together with the public generally, to make a finding on this said hearing—and all to no purpose.

On the night of January 15 of this year I announced over Station KWKH that if the Federal Radio Commission continued further to delay the report of the master in this matter I would, on the night of February 1, in so far as this station was concerned, take full time on this open air channel of 850 kilocycles and would undertake to use such power as would be necessary to prevent those stations, which were granted privileges this station was denied, from interfering with this wave length to the extent that their excessive power made the power of this station useless in many portions of the country that was interested in those things this station is tirelessly combating.

Within five days after this announcement the examiner filed his report and recommendations to the Federal Radio Commission on the hearing held, as heretofore stated, on September 22, 1930. The tardiness of the examiner in his failure to make a report in the long time between September 22, 1930, and the time I made the announcement that I would act independent of the report, which announcement was made January 15, 1931, is quite in contrast with the speediness with which he did act within five days after such announcement. This would indicate that the master was much pleased and satisfied with my announcement of January 15, and which he no doubt felt would be taken advantage of later as a cause for driving out the only medium of impartial publicity the country has, or as a cause for taking this station off the air entirely.

I am justified in this interpretation of what prompted him to act immediately on the heels of my announcement for the reason that the causes he assigns are not only inconsistent but an aggravated refutation of the facts as offered in the evidence presented at the hearing. If the reasons assigned in the master's report and recommendations are sound and whereby this station should be denied full time and increased power, then, for the same reasons, this station should be denied any time and any power on this open air channel, or any other channel. The master assigns the following as grounds for such report and recommendations:

First. He says that I am engaged in a cooperative effort with the Federal Farm Board and the cooperative boards of the different States in the South to better the present deplorable conditions of the cotton farmer or planter in these Southern States.

Second. That I am engaged in an effort to defeat the purposes of monopolistic-controlled money to further, through a system of chain monopoly, the taking from the communities their profits in local trade.

Third. He says that my presentation of and discussion of these questions are my personal views and the personal views of others who talk over this station on economic questions.

Fourth. That thirty-odd thousand independent merchants or business men of the country had contributed a small sum, to wit, \$12 each, which, in the aggregate, amounted to \$373,500, much of which I had applied to the payment of my personal obligations.

In this connection I will make no comment other than by way of an interrogatory: Did this impartial representative of a quasi judicial body purposely eliminate all reference to the fact that a much greater part of this sum was used in the expense incident to a faithful discharge of the duties I had assumed in an attempt to protect the independent and thereby legitimate interests of the country?

Fifth. That my calling a thief, a damn thief; a crook, a damn crook; conspirators who criminally plot, damn criminals, who ought to be in the penitentiary, if the law of the land were faithfully and honestly administered by those who are paid and sworn to do this, is not for the best interest and moral development of the youthful mind of the country.

If the master intended, by these assigned reasons, to construct a vessel in the way of an argument that would hold water, he, in fact, built a sieve that would not hold a brick building. Any elaboration by me by way of an intelligent understanding on the part of the public as to the shallowness of the assigned reasons would be akin to commending the intelligence of a hog squealing for fattening food that means nothing but his death.

Now, only by the declaration that I was going to take full time and all the power necessary, independent of the authority of the commission, was I able to create an opportunity whereby the rights of Louisiana and all other States might be determined in this vital matter to every citizen and to every State, and, in this connection, bring it to the thoughtful consideration of the country.

Let me say that I took this action on my own individual responsibility. I took it without conference, consultation, or counsel with anyone. I am not going to arbitrarily take either the time or the power. I am contending that the National Government has assumed to arbitrarily take authority and power in a total disregard and defiance of the country's National Constitution. The rights of the National Government in this matter could have been determined in a legal and judicial way. In not doing this, they have wrapped around themselves a semblance of authority and power that can be resisted in a legal and judicial way, and what they autocratically did, the State of Louisiana is going to undertake to correct by orderly, legal, and judicial action.

The Governor of the State of Louisiana, and United States Senator elect from this State, is of the uncompromising conviction that the State of Louisiana can not, under the existing Constitution of the United States, be deprived of the control of the air within the borders of Louisiana, and that the only way that this can be done and the Federal Government thereby be vested with such authority is by an amendment to the National Constitution approved by two-thirds of the States making up the Union, vesting in the National Government such authority; and he regards it as his duty, as Governor of Louisiana, to resist in every way within the law this self-asserted power on the part of the National Government.

The question of the preference of this station or of any other station within the borders of Louisiana is not, in any sense, of the essence of this matter in so far as the governor is concerned. With him the sole question is the right of the Government, under the lawfully adopted Constitution of the United States, to assume control of the air of any one of the States, in the absence of the States themselves, or two-thirds of them, granting to the National or General Government such right.

The Governor of Louisiana has declared to me and others that he is ready to take any action on the part of this State necessary toward judicially, and thereby lawfully, determining this question, and that the right of any station in Louisiana to be on any wave length is no part of the controversy.

I recall having heard it somewhere and at some time that "the blood of the martyr was the seed of the church." In so far as I am personally concerned, I am willing to bear and endure all the consequences that might follow my arbitrarily taking full time and power necessary for the education and protection of the people of this Nation against the inroads of heartless greed as exemplified in the chain store and all other monopolistic interests, but I fully realize that such action might result in the use of an arbitrary power on the part of the Government the effect of which would, for a temporary period at least, lock up and silence the only far-reaching medium of publicity left to the righteous population of the Nation and through which they hope to save themselves and their Government from the inhumane, merciless, monopolistic few.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, in order that I may make up the program for next week I ask unanimous consent that on Friday, February 6, it may be in order to move a recess of the House until 8 o'clock in the evening, and that at the evening session bills unobjected to on the Private Calendar may be considered in the House as in Committee of the Whole, beginning at No. 317 on the Private Calendar. The session to continue not later than 11 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to move that the House take a recess until 8 o'clock on Friday, February 6, for the purpose of considering bills on the Private Calendar unobjected to, beginning at No. 317, and the session to continue not later than 11 o'clock. Is there objection?

Mr. STAFFORD. Reserving the right to object, at the last session when 10.30 arrived many Members were quite tired, but some Members thought we ought to sit until 11. Two hours and a half is a long session.

Mr. TILSON. The gentleman can usually have his way. At that time in the session he may be feeling so comfortable that he will be willing to go on until 11 o'clock.

Mr. STAFFORD. I will not make an objection, but I give notice that if we have a heavy day we will not run beyond 10.30.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—
Mr. CHIPERFIELD, for several days, on account of the death of his daughter;

Mr. MORTON D. HULL, for Monday and Tuesday next, on account of important business.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. TILSON. Mr. Speaker, I have been queried in respect to the program for next week, and I can give it now so far as it has been made up. On Monday we shall consider the Consent Calendar, with suspensions. On Tuesday, Thursday, Friday, and Saturday the two appropriation bills still remaining will be taken up. The first of these bills to be taken up will be the District of Columbia appropriation bill, and after it the Navy Department appropriation bill. Wednesday, of course, will be devoted to Calendar Wednesday business. Friday evening we are to consider the Private Calendar, as just arranged.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 615. An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes; and

S. 3938. An act authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, and appropriation therefor, and the completion of the project, and for other purposes.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until Monday, February 2, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 2, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON PENSIONS

(10 a. m.)

To consider bills proposing to grant pensions to veterans of the Spanish War.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To consider bills for the immediate payment of adjusted-compensation certificates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

802. A letter from the president of the Capital Traction Co., transmitting report of the Capital Traction Co. for the year ending December 31, 1930; to the Committee on the District of Columbia.

803. A letter from the vice president of the Georgetown Gas Light Co., transmitting a detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders, for the year ended December 31, 1930; to the Committee on the District of Columbia.

804. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ended December 31, 1930; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 13584. A bill to amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims"; with amendment (Rept. No. 2447). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. H. R. 16422. A bill authorizing the establishment of Boulder City town site, and necessary expenditures in connection therewith, and for other purposes; without amendment (Rept. No. 2448). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16706. A bill to authorize the Secretary of the Interior to extend the time for payment of charges due on the Blackfeet Indian irrigation project, and for other purposes; without amendment (Rept. 2449). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 16588. A bill to amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy; without amendment (Rept. No. 2451). Referred to the House Calendar.

Mr. COLTON: Committee on Roads. S. 5314. An act to amend the Federal highway act; without amendment (Rept. No. 2452). Referred to the Committee of the Whole House on the state of the Union.

Mr. WELCH of California: Committee on Labor. H. R. 16619. A bill relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes; without amendment (Rept. No. 2453). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 9364. A bill conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix cum testamento annexo, under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased; without amendment (Rept. No. 2450). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 16775) to authorize institutions maintaining senior units of the Reserve Officers' Training Corps to hold senior or junior division camps without cost to the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. KVALE: A bill (H. R. 16776) to provide for the commemoration of the Battle of Birch Coulee, Minn.; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 16777) to authorize the construction of a sanatorium for adult tuberculosis patients on the tract of land acquired by the Commissioners of the District of Columbia by authority of an act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium" as amended by an act of Congress approved April 18, 1930; to the Committee on the District of Columbia.

By Mr. LEAVITT: A bill (H. R. 16778) to extend the times for commencing an completing the construction of a bridge across the Missouri River at or near Culbertson, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. CABLE: A bill (H. R. 16779) to amend the law relative to citizenship and naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 16780) to amend the immigration act relative to the admission of members of the family of a citizen of the United States; to the Committee on Immigration and Naturalization.

By Mr. NELSON of Maine: A bill (H. R. 16781) authorizing a preliminary examination and survey of Eastport Harbor, Me.; to the Committee on Rivers and Harbors.

By Mr. SMITH of Idaho: A bill (H. R. 16782) to authorize the erection of a United States Veterans' Bureau hospital at Lava Hot Springs, Idaho; to the Committee on World War Veterans' Legislation.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Minnesota, memorializing the Congress of the United States to enact into legislation a bill providing for the immediate cash payment of the full face value of the adjusted-service certificates theretofore issued to veterans of the World War; to the Committee on Ways and Means.

Memorial of the Legislature of the State of New Jersey, memorializing Congress to direct the Shipping Board to sell to the Port of New York Authority certain properties situated in the city of Hoboken, State of New Jersey; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARTWRIGHT: Memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to enact a law providing for the payment of adjusted-compensation certificates issued to World War veterans; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to enact legislation giving aid to the people of Oklahoma; to the Committee on the Judiciary.

Also, memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to immediately pass House bill 12995, now pending in the Federal Congress, making an appropriation to aid in the work of public health in general and particularly in the aid of maternity and infancy work; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to immediately pass House bill 12995, making an appropriation to aid in the work of public health in general and particularly in the aid of maternity and infancy work; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the State Legislature of the State of Minnesota, memorializing the Congress of the United States to enact House bill 15934 relating to the manufacture and sale of oleomargarine and restricting the use of palm oil in the manufacture thereof; to the Committee on Agriculture.

By Mr. KORELL: Memorial of the State Legislature of the State of Oregon, memorializing the Congress of the United States to allocate at least one of the three battleships to be modernized pursuant to legislation enacted by this Congress to the Puget Sound Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTWRIGHT: A bill (H. R. 16783) for the relief of Walter S. Rodgers; to the Committee on World War Veterans' Legislation.

By Mr. CHASE: A bill (H. R. 16784) granting an increase of pension to Elizabeth Berger; to the Committee on Invalid Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 16785) granting an increase of pension to Mary E. Pritchard; to the Committee on Invalid Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 16786) granting an increase of pension to Lavinnia J. Wilson; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 16787) granting a pension to Bettie Dillard; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 16788) for the relief of Peter Shapp; to the Committee on Indian Affairs.

By Mr. PALMER: A bill (H. R. 16789) granting an increase of pension to Eliza Rogers; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16790) granting an increase of pension to Ruth Williams; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 16791) granting an increase of pension to Mary L. Hamilton; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 16792) for the relief of Cecil C. Palmer; to the Committee on Naval Affairs.

By Mr. SWING: A bill (H. R. 16793) granting a pension to Lucy Edith Francis; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 16794) granting a pension to Emily Cecil; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9010. Petition of Universal City Post, No. 1267, Veterans of Foreign Wars of the United States, urging the passage of legislation for the payment of adjusted-service certificates; to the Committee on Ways and Means.

9011. By Mr. ANDREW: Petition adopted by council of city of Salem, Mass., protesting against any curtailment of the present national defense act which provides for military training in our educational institutions and any reduction in the congressional appropriation for Reserve Officers' Training Corps activities; to the Committee on Military Affairs.

9012. By Mr. BAIRD: Petition of mayor and citizens of Fostoria, Ohio, urging immediate payment of the adjusted-compensation certificates to relieve dire distress among ex-service men and their dependents; to the Committee on Ways and Means.

9013. By Mr. BEERS: Petition from members of the Standing Stone Post, No. 1754, and Huntingdon and Phillips-Jones Post, No. 1349, of Lewistown, Pa., Veterans of Foreign Wars of the United States, favoring the passage of House bill 3493; to the Committee on Ways and Means.

9014. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, Bainbridge, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

9015. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

9016. By Mr. DEROUEN: Resolution adopted by Beauregard Post, No. 27, American Legion, Department of Louisiana, DeRidder, La., urging the Congress of the United States to pass adequate legislation pertaining to the needs of ex-service men and their families; to the Committee on World War Veterans' Legislation.

9017. By Mr. HUDSON: Petition of the city commission of the city of Ferndale, Mich., urging the early passage of the so-called soldiers' bonus bill; to the Committee on Ways and Means.

9018. Also, petition of the city commission of the city of Berkley, Mich., urging the early passage of the so-called soldiers' bonus bill; to the Committee on Ways and Means.

9019. By Mr. JOHNSON of Nebraska: Petition by Royal Johnson urging passage of Army appropriation bill and immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

9020. By Mr. KVALE: Petition of Minnesota Livestock Breeders' Association to go on record as being strongly opposed to the ruling of Commissioner of Internal Revenue that unbleached yellow palm oil may be used in the manufacture of oleomargarine otherwise free from coloration without subjecting the finished product to tax at the rate of 10 cents per pound, and earnestly urging passage of Brigham bill, H. R. 15934; to the Committee on Agriculture.

9021. Also, petition of Walter Tripp Post, American Legion, Morris, Minn., submitted by Jack Mielke, commander, wishing to go on record favoring payment of adjusted-service certificates now; to the Committee on Ways and Means.

9022. Also, petition of Sandberg Carlson Post, No. 351, American Legion, Barrett, Minn., submitted by E. G. Hjelle, E. P. Sletten, and 16 other members of the post, urging immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

9023. By Mr. REED of New York: Petition of Woman's Christian Temperance Union, of Jamestown, N. Y., and Bolivar, N. Y., indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

9024. By Mr. REILLY: Petitions of veterans of the World War of Oshkosh, Wis., urging legislation to make possible immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

9025. Also, petition of 25 veterans of the World War of Oshkosh, Wis., urging legislation to make possible the immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

9026. By Mr. ROBINSON: Petition signed by Esther C. Harmon, president of the Woman's Christian Temperance Union, and Amanda R. Wells, secretary of the Woman's Christian Temperance Union, Waverly, Iowa, urging the passage of the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

9027. By Mr. SANDLIN: Petition signed by ex-service men in the vicinity of Shreveport, La., urging the immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

9028. By Mr. SELVIG: Memorial of the Legislature of the State of Minnesota, urging passage of House bill 5660, for relief of fire sufferers in Minnesota; to the Committee on Claims.

9029. By Mr. SHOTT of West Virginia: Memorial of chamber of commerce, Charleston, W. Va., opposing the consolidation program suggested by the railroad executives providing for the formation of four eastern independent systems, unless said program is amended as to the Virginian Railroad; to the Committee on Interstate and Foreign Commerce.

9030. Also, memorial of American Legion Auxiliary, Princeton, W. Va., favoring some plan of action under which bonus certificates may be paid in full, and other legislation in behalf of World War veterans; to the Committee on Ways and Means.

9031. By Mr. SINCLAIR: Petition of North Dakota Holstein Breeders' Association, protesting against the use of unbleached palm oil in the manufacture of oleomargarine without payment of the 10 cents tax; to the Committee on Agriculture.

9032. By Mr. SPARKS: Petition of temperance meeting of the Woman's Christian Temperance Union of Osborne, Kans., for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

9033. By Mr. TEMPLE: Petition of Woman's Christian Temperance Union, of Donora, in support of legislation which would exclude those who are not yet citizens from being counted as a basis for the apportionment of Members of Congress; to the Committee on the Judiciary.

9034. By Mr. TREADWAY: Resolutions adopted by the Massachusetts Association, No. 10, of the National Association of Power Engineers, Pittsfield, Mass., condemning the recent attack upon the integrity of Crane & Co., manufacturers of distinctive paper used in national currency and securities; to the Committee on Expenditures in the Executive Departments.

9035. By Mr. ZIHLMAN: Petition of residents of the District of Columbia and Maryland, in support of House bill 7884 to prohibit experiments on living dogs in the District of Columbia; to the Committee on the District of Columbia.

SENATE

MONDAY, FEBRUARY 2, 1931

(Legislative day of Monday, January 26, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The clerk will call the roll to ascertain the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Brookhart	Cutting	Glass
Barkley	Broussard	Dale	Glenn
Bingham	Bulkley	Davis	Goff
Black	Capper	Deneen	Goldsborough
Blaine	Caraway	Fess	Hale
Blease	Carey	Fletcher	Harris
Borah	Connally	Frazier	Harrison
Bratton	Copeland	George	Hatfield
Brock	Couzens	Gillett	Hawes